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Letter dated 4 November 2002 from the Permanent Representative of Uganda to the United Nations addressed to the President of the Security Council

On instructions from my Government I have the honour to transmit a response, dated 1 November 2002, by the Government of Uganda on the final report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo (see annex).

I should be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Matia Mulumba **Semakula Kiwanuka**
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Annex to the letter dated 4 November 2002 from the Permanent Representative of Uganda to the United Nations addressed to the President of the Security Council

The response by the Government of the Republic of Uganda to the final report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo

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I: INTRODUCTION

1. On request of the UN Security Council on 2 June 2000, the Secretary General of the UN established the 1st UN Panel on the Illegal Exploitation of the Natural Resources and other forms of Wealth in the DRC, chaired by Mme Ba N'Daw of Ivory Coast. The UN Security Council discussed the report of the UN Panel, which accused Uganda of involvement in the illegal exploitation of the natural resources of the DRC on 3 May 2001. The Security Council agreed with the presentation by Uganda (S/2001/458) that the Mme Ba N'Daw report was based on hearsay and lacked corroborative evidence to back its conclusions and recommendations. It welcomed the decision by Uganda to set up an independent Judicial Commission of Inquiry into the allegations of illegal exploitation of the natural resources of the DRC.

2. The UN Security Council mandated the 2nd UN Panel chaired by Ambassador Kassem (Egypt) to prepare an addendum to the report containing, inter alia, a more in-depth analysis based, **as far as possible on corroborated evidence on allegations and conclusions raised and to the comments and reactions of states and actors cited in the report of the panel.** The Addendum report of December 2001 acknowledged Uganda's legitimate security concerns in the DRC and concluded that neither the Uganda government nor its companies were involved in the illegal exploitation of natural resources in the DRC. The Addendum report and Uganda's response (document S/2001/1163) were discussed in the UN Security Council on 14 December 2001.

3. The UN Security Council requested the UN Secretary General to renew the mandate of the Kassem Panel to prepare a report that would include, inter-alia:

(a) An update of relevant data and analysis of further information from relevant countries, including in particular from those countries that had not provided the UN Panel with requested information.

(b) An evaluation of the possible actions that could be taken by the Council in order to help bring to an end the plundering of natural resources of the DRC, taking into account the impact of such actions on the financing of the conflict and potential impact on the humanitarian and economic situation of the DRC.

(c) Recommendations on specific actions that the international community, in support of the Government of the DRC, might take, working through existing international organizations mechanism and the UN bodies, to address the issues in the report and its addendum.

(d) Recommendations on possible steps that might be taken by transit countries as well as end users to contribute to ending illegal exploitation of the natural resources of the DRC.

4. The UN Security Council also urged Governments named in the previous reports to conduct their own inquiries and to cooperate fully with the UN Panel.

5. The UN Panel chaired by Ambassador[1] Kassem visited Uganda from 3rd-6th March 2002, and was given maximum cooperation by government. The Panel met Hon. E. Kategaya, 1st Deputy Prime Minister/Minister of Internal Affairs; Hon. Amama Mbabazi, Minister of Defense; Hon. tom Butime, Minister of State for Foreign Affairs; Hon. Muruli Mukasa, Minister of State for Security; the Directors general of the External and Internal Security Organisations; and a group of technical officials. The Panel also held meetings with member of the Porter Commission. Subsequently, the Porter Commission and the Kassem Panel exchanged information and visits.

[1] Other members of the Panel included: Mr Jim Freedman (Canada); Mr. Mel Holt (USA); Mr. Bruno Schiemsky (Belgium); Mr. Moustapha Tall (Senegal); Mr. Gilbert Barthe (Switzerland - Technical Advisor); Ms. Elodie Cantier-Aristide (France – Political Assistant); and Ms. Hannah Taylor (USA – Political Assistant).

Key Elements of the Response to the Final Report of the UN Panel

6. The response of the Government of the Republic of Uganda to the Final Report as contained in the document covers the following chapters:

- Introduction: background to the Final Report of the UN Panel.
- The positive aspects and flaws of the Final Report.
- Response to allegations against the Government of Uganda/UPDF.
- Response to allegations against Ugandan individuals and companies.
- Comments by the Uganda Government on the observation, conclusion and recommendations of the UN Panel.
- Recommendations by Uganda on the way forward.

II. POSITIVE ASPECTS OF THE FINAL REPORT

7. As pointed out in the press statement of 23 October 2002, (S/2002/1202), the Government of Uganda noted that the Final report of the UN Panel contains a number of positive elements, which are:

- A more balanced scope of investigation covering, inter-alia, the end-user countries outside Africa and strong support for the building of state institutions, capable of administering the natural resources and territorial sovereignty of the DRC.
- Recognition of the fact that the Republic of Uganda established the Porter Judicial Commission of Inquiry[2] as an internal mechanism to address the allegations of illegal exploitation of the natural resources of the DRC, in accordance with the UN Security Council recommendations of 4 May and 19 December 2001. The UN Panel also made a positive effort to cooperate and share information with the Porter Commission, in spite of the marked differences between the Panel and Commission on methods of investigation.
- **Confirmation of the fact that neither the Uganda Government nor any of its companies are involved in the illegal exploitation of the natural resources of the DRC.** Indeed, the Addendum Report of the UN Panel (November 2001), concluded that Uganda's involvement in the DRC was based on (a) a bilateral protocol between Kampala and Kinshasa of 26 April 1998 and (b) the legitimate security concerns emanating from the threat posed by the negative forces operating in Eastern DRC, i.e., the ADF, WNBF, UNRF II and the more recently formed PRA.
- **Sharing the view by Uganda that an embargo or moratorium on exports of natural resources from the DRC 'would not be a viable means of helping the situation of the Country's Government, citizens or the natural environment'.** As Uganda stated in the Response to the Addendum Report (S/2001/1163), such a moratorium would not only be difficult to enforce, but would hugely hurt the Congolese small-scale farmers and artisan miners whose livelihood entirely depends on earnings from the traditional cross-border trade.
- **By covering the end-user countries, the Final Report brought in the missing link and improved the scope of investigation to cover all parties involved in the DRC.** Indeed, a deeper historical analysis of the companies and criminal organisations based outside Africa would definitely help us to understand the failure to build viable state institutions and structures in the DRC since the era of King Leopold II of Belgium.

[2] Terms of reference for the Porter Commission, contained in Legal Notice No. 5/2001 of 5 May 2001, are reflected in UNSC document S/2001/1163.

- **Recognising the importance and centrality of the urgent implementation of the Lusaka Ceasefire Agreement including the DDRRR, withdrawal of foreign forces, and the establishment of an all-inclusive transitional Government in Kinshasa.** It underscores the fact that the establishment of a new and stable political dispensation which has the necessary state institutions and structures for administering the territory is the only guarantee to (a) guarding against any illegal exploitation by local or international criminal organisations, (b) ensuring that the territory of DRC does not harbour terrorist groups against regional neighbours.

- **Focus of the recommendations in the Final Report on creating conditions and incentives for (a) encouraging all parties to implement their obligations in the Lusaka Ceasefire Agreement, the related Pretoria and Luanda Agreements as well as the Sun City resolutions,** (b) deepening regional integration, (c) strong international financial support for building state institutions in the DRC, (d) post-conflict reconstruction in the DRC and regional neighours, (e) deterring international organised crime syndicates from continued illegal activites in the DRC.

III. MAJOR FLAWS IN THE FINAL REPORT

Downplaying Uganda's Security Concerns in Eastern DRC

8. **Unlike the Addendum Report of November 2001, the Final Report completely ignores Uganda's legitimate security concerns** as recognised in the Lusaka Ceasefire Agreement (1999), the relevant UN Security Council resolutions and the Uganda/DRC Bilateral Agreement of 6 September 2002 in Luanda, Angola.

9. **Uganda got involved in the DRC as a result of the genuine security concerns.** These included the operations of the terrorist groups including ADF, WNBF, UNRF II, NALU, the recently-established PRA and other negative forces such as the genocidal Ex-FAR and the Interahamwe. These groups have used the territory of the DRC to launch persistent and indiscriminate terrorist attacks on the people of Uganda. Examples include the grisly Mpondwe (1996), Kichwamba (1998) and Bwindi terrorist massacres in Uganda (1999). Persistent Interahamwe attacks in Kisoro District continue. A bilateral protocol between Uganda and the DRC of April 1998 allowed the Uganda People Defence Forces (UPDF) to pursue the terrorist groups.

Application of an Invalid Hypothesis to Uganda

10. **The concept or hypothesis of the alleged 'elite networks'**, which are claimed to have curved out separate self-financing areas and are responsible for the continuation of micro-conflicts over natural resources and revenues in the DRC is **fundamentally flawed and invalid in the case of Uganda.** A simple SWOT/test analysis reveals that the basic assumptions of the hypothesis are wrong, the evidence of the existence of Ugandan 'elite networks' is untenable and the motive of the hypothesis is ill intentioned. For example:

- The hypothesis makes the wrong assumption that RCD-K/ML and MLC are "mere facades" and "militias" in the so-called 'Ugandan controlled area'. Uganda has since May 2001 withdrawn from the DRC, except for one battalion in Bunia at the request of the UN Secretary-General. Uganda is committed to complete withdrawal under the Lusaka Ceasefire and the Luanda Agreements. MLC and RCD-ML are effectively responsible for administration, economic management and justice in their respective areas of control as recognised under the Lusaka Ceasefire Agreement and by the UN Security Council.

- The UN Panel does not appear to be cognisant of the history of the DRC since the King Leopold II era including the fact that Uganda has been a victim of repeated terrorist attacks from DRC territory.

- The evidence adduced by the UN Panel does not establish the existence of a link between the Ugandan actors cited and any 'elite network' in the so-called 'Ugandan controlled area'.

- The UN Panel seems to have been at pains to find any evidence/data that would serve the purpose of down playing Uganda's security concerns and demonising or tarnishing the image of Uganda.

Methodology

11. The composition of the UN Panel and their method of investigation do not demonstrate capacity to sift through deliberate falsehoods, war propaganda and political intrigue involved in the conflict in the DRC. In a conflict situation like in the DRC, information from walk-ins, motivated volunteers and traditional enemies (e.g., Lendu/Hema) requires a higher level of proof and corroboration than was apparently applied by the UN Panel. People can only achieve this with the expert knowledge about the history and the cultural complexity of the inter-linked conflicts in the Great Lakes Region. It is also unprofessional and dishonest to extrapolate data from surveys from one region in the vast DRC to meaningfully interpret a serious humanitarian situation in another area (Para 131). Clarifying the alleged UPDF negative motive in Bunia, the UN Panel bases on (Para 123) the claim by RCD K/ML department chiefs – who are Lendu allied chiefs – that the Hema businessmen interests in controlling gold deposits in Geti was the underlying cause of ethnic conflict in Bunia, yet history shows that neither the Hema, nor the Lendu, have any kind words for each other.

Poor Corroboration of Evidence

12. The UN Panel asserts in paragraphs 7 & 8 that it relied on well substantiated and independently corroborated evidence by documents and eye-witnesses and that the Panel operated under a reasonable standard of proof with fairness and objectivity. Unfortunately, the Final Report still contains statements with serious factual errors, un-corroborated information, contradictions and clear distortions. For example:-

- The UN Panel alleges that a Protocol d'Accord was signed on 22 February 2002 between RCD-K/ML leadership and Col. Mayombo on behalf of Uganda Government whereby UPDF was promised a monthly stipend of $25,000 and exemption of Ugandan companies from duties and import tax. The alleged Protocol d'Accord does not exist (Para 122).

- The Panel misrepresents the mandate of the Porter Commission of Inquiry with regard to the scope of investigation on army officers, and its relationship with the Minister of Foreign Affairs and the President. The truth of the matter is that the Porter Commission has the judicial powers of the High Court and is independent of the Executive. As a consequence, the Commission has the powers to subpoena witnesses, documents and cause audits (Para 137).

- The report in Para 116 refers to 'Parliamentarian' Sam Engola. Mr. Engola, who is a Ugandan businessman, has never been a member of any Uganda Parliament.

- The Panel makes rather contradictory observations in their analysis and evaluation of the evidence they relied upon and their collaboration with the Porter Commission as regards the general principles in handling criminal allegations. The Panel does not seem to consider caution of authenticity of sources of information, which are not subject to scrutiny. They do not appear to consider the gravity of indicting people, governments and companies on evidence that may be forged or false.

IV. ALLEGATIONS AGAINST GOVERNMENT OF UGANDA/UPDF

13. The UN Panel makes a number of uncorroborated allegations against the Uganda Government/UPDF.

14. **False Allegation 1. That the UPDF presence in the Eastern DRC is the cause of the instability designed to create conditions for the continued illegal exploitation of resources of the DRC. For example:-**

Para 12... Criminal groups linked to the armies of... Uganda... [Among other countries]...

Para 14 The Uganda Peoples' Defense Forces continue to provoke ethnic conflicts, as in the past, clearly cognisant that the unrest in Ituri will require the continued presence of a minimum presence of UPDF personnel.

Para 101 UPDF and their associated rebel militias have been used as the de facto enforcement arm of the network.

Para 102 in anticipation of this withdrawal a paramilitary force is being trained under Lt. Gen. Saleh, which according to the panel's sources is expected to continue to facilitate the commercial activities of UPDF officers after UPDF has left.

15. **Response**

- The UPDF is a national army with no official or un-official links with any criminal groups. It is unfair to make such an allegation against the institution of the UPDF without naming the criminal groups.

- The UPDF remains in the DRC at the request of the UN Secretary General in his letter of 4th May 2001 as a stabilising force in Bunia in support of the Lusaka Ceasefire Agreement. The Secretary-General requested the withdrawal of UPDF in the context of the disengagement process.

- Uganda has signed bilateral agreements with the DRC such as the Luanda Agreement of 6 September 2002 on the total withdrawal of UPDF and the Ituri Pacification Commission.

- The Hema/Lendu conflict is historical and was triggered off by a fight for land. The late Mobutu compounded it when he took sides with the Hema against the Lendu by giving them land. The UPDF, therefore, did not create this conflict. Facts on the ground clearly demonstrate that the security situation in all the other areas where the UPDF withdrew such as Gbadolite, Gamena, Buta, Beni, etc., there is relative peace. Many of these areas have more natural resources and population than Bunia, where there has been persistent Hema/Lendu ethnic conflict over land.

- The UN Security Council will recall that Uganda has on various occasions appealed for the deployment of a sufficient MONUC force to take care of law and order in Ituri so that UPDF withdraws but MONUC has not been able to do so. Uganda is committed to the total withdrawal of UPDF from Bunia in 100 days from the D-day of 6 September 2002 as stipulated in the Luanda Agreement.

16. **False allegation 2: False allegation that UPDF is maintaining local militias in Eastern DRC to protect the elite network.**

Para 101... The Uganda Peoples' Defence Forces and their associated rebel militias have been used as the de facto enforcement arm of the network, ensuring the network's pre-eminent commercial position through intimidation and threat and use of force...

Para 108... Coltan has been exploited extensively in Orientale Province by various armed groups under the protection of UPDF.... Armed groups frequently identified with militias under the command of UPDF officers manage site in remote locations where diggers pay a daily fee to exploit an area.

17. **Response**

- The Uganda government through UPDF has never trained any personal militias. The Government of Uganda trained armies on behalf of their allies, namely MLC and RCD-K/ML. The troops trained and put in the hands of MLC

continue to provide effective security and administration in the area under MLC control. Unfortunately RCD-ML/K has suffered numerous divisions in its leadership. As a result some of the troops are under Mbusa Nyamwisi in the Beni-Butembo area of North Kivu. The other group is under the former Defence Minister of RCD-ML, Tom Lubanga in parts of Ituri, who has since formed a political group called Union of Patriotic Congolese (UPC). The confusion in the final report arises from the UN Panel's failure to understand this historic background.

- This specific inference to UPDF as running militia groups and that it operates through intimidation is totally untrue. UPDF operates on a strict code of conduct, and where individual officers have misbehaved and there is implicating evidence they have always faced the law.

- The Army Statute 1989, the UPDF Code of Conduct, etc. and more recently the Porter Commission are a good testimony how UPDF cannot condone such acts as stated above. The government of the Republic of Uganda reiterates its position that, it is committed to the implementation of the Porter Commission recommendations.

- What logic is in an argument that armed groups are protected by UPDF? If the groups were armed would they need any protection, and protected from who and what! Why did the UN Panel not name these groups?

18. **False Allegation 3: That UPDF officers have been involved in extorting taxes from Congolese.**

Para. 115 But increased profit margins from tax-free imports provide only a fraction of the tax-free benefits. Equally lucrative is access to the taxes themselves monopolized by the network that uses the rebels' administration façade…

19. **Response**

- The details of this information, e.g., which units and officers involved should have been availed for scrutiny otherwise the claim remains a mere hearsay.

- This claim is false as it pretends that there are no rebel groups in the areas mentioned in the Eastern DRC. Both Lusaka and other agreements have recognised the different rebel actors, whose origin can be traced from failure by the Kinshasa administration to exercise effective leadership in the area.

- Uganda believes that the war situation, which was provoked by failure of Kinshasa to extend leadership into these places, leading to the presence of marauding ADF rebels and more recently PRA elements and other negative forces in the DRC are the real problem behind the criminality in the Eastern DRC.

20. **Allegation 4: That UPDF has been involved in stealing cattle and forcing the locals to give them hides.**

Para 117…The representative of Food and Agriculture Organisation of the United Nations in Bunia has reported the more recent UPDF practice of offering protection to ranches against attacks they themselves have orchestrated.

Para 122… UPDF have created the conditions that require the presence of troops and their continued involvement in the commercial operations. This has entailed giving arms to both sides in the ethnic conflict, the Lendu and the Hema. The consequent increase in ethnic fighting has resulted in the UPDF being urged to assist in furthering the peace process in Bunia.

….This function was formalised in an official protocol d'Accord signed on 22 February 2002 by Mbusa and John Tibasiima as the President and Vice President of the RCD-K/ML and Col. Mayombo as the official representative of the Government of Uganda…

Para 124…UPDF military operations have contributed to the arming of large numbers. UPDF have trained the militia of their Ituri commercial allies…

21. **Response**

- The allegation that UPDF is involved in stealing of cattle in Bunia is false. However, if individuals have been involved, the Panel should be able to give the number of cattle stolen, and the officers involved and from which units these officers came for necessary disciplinary action by Government.

- The alleged statement of proof about Col. Mayombo signing a document as an official representative of Uganda Government is not only untrue but also seems to be consistent with the falsehood the Panel decided to swallow. The Panel had a chance to meet Mayombo but could not raise a question about the claim to him. This method of doing work casts doubt on the transparency of the Panel in gathering information.

- Apart from it being a lie, it creates an impression that UPDF units in the DRC could depend on $25,000 a month. It is ridiculous to state that UPDF depends on $25,000 to stay in the DRC.

22. **Allegation 5: Paras. 102, 103, 121, 122 contain a muddled analysis of the power play in Eastern DRC resulting into some important conclusion:**

That Lt. Gen. Saleh is training private militia... made up of RCD, Congo. That UPDF officers are intent on breaking up MLC in order to boost members from RCD-Congo. That there is an attempt to replace Mbusa Nyamwisi with Roger Lumbala of RCD Nationale. Thomas Lubanga is replacing Mbusa Nyamwisi in Ituri, etc.

23. **Response**

- RCD Congo is a splinter group from RCD Goma and is allied to Kinshasa government following the Sun City Agreement and is therefore not anybody's personal militia.

- Roger Lumbala of RCD Nationale is allied to MLC of Jean Pierre Bemba. RCD Nationale has been in conflict with RCD K/ML. So its leader is not being groomed by any party to replace Mbusa Nyamwisi.

- There is no evidence adduced to suggest that UPDF officers are in the process of undermining Bemba, to bring about his downfall.

- RCD K/ML is allied to the Kinshasa government and has been receiving military and other support from the Kinshasa government.

- RCD K/ML has been arming and training the Lendu against the Hema in Ituri region. So Hema elements within RCD K/ML have consequently deserted to form the UPC under former RCD K/ML Defence Minister Thomas Lubanga.

- The UPC has sought alternative sources of arms citing refusal of UPDF to arm them.

- The Hema/Lendu conflict is historical and is about land. It is there not as a result of arrival of UPDF in Ituri.

- Ituri is not the most resource rich area where UPDF has been in Congo. The other areas vacated by UPDF are devoid of ethnic strife. That UPDF is fanning ethnic conflict to maintain criminal elite networks is therefore preposterous.

24. **Allegation 6: That 165 children between 14-16 years of age were recruited and trained at a UPDF military camp at Kyankwanzi in Uganda (Para 129).**

25. **Response**

Kyankwanzi is a National Leadership Institute and not a military training camp. The children were rescued from a mutiny by Mbusa Nyamwisi and John Tibasiima against the leadership of RCD-K under Prof. Wamba dia Wamba in Bunia and taken to the Kyankwanzi leadership institute for care and counselling in 2001. The children were subsequently handed over to UNICEF Uganda and the Red Cross, which in turn put the children under the care of World Vision at Kiryandongo in Uganda. UNICEF Kinshasa arranged to receive and re-unite the children with families after the conflict had eased. The unspecified numbers of recruits being trained in unstated location for the extremist Hema militia, 60% of who are supposed to be under 18, have nothing to do with Uganda.

V. ALLEGATIONS AGAINST UGANDAN MILITARY OFFICERS AND OTHER INDIVIDUALS

26. The Government of Uganda has noted with concern the allegations of continued involvement of Uganda military officers and businessmen in the illegal exploitation of natural resources, diversion of taxes and other revenue generation activities in Eastern DRC.

27. The Government of Uganda established the Judicial Commission of Inquiry into the Illegal Exploitation of Natural Resources of the DRC, May 2001, under the chairmanship of Justice Porter (UK). Other members of the Commission are Justice Berko (Ghana) and Mr. John Rwambuya, a retired Ugandan Senior UN Civil Servant (official). The Porter Commission has cooperated with the UN Panel on a number of source material/evidence.

28. It should be noted that the final Porter Commission Report will be released soon. The Government of Uganda reiterates its commitment to the implementation of the recommendations of the Report. The government of Uganda will, therefore, await the release of the Porter Commission Report, before making any comments on the allegations against specific Ugandan senior military officers and business people.

Individual Liability Vs Official Liability

29. However, we feel that there is need to comment on the issues where official liability and individual liability have been mixed up. It is not clear from the UN Panel Report to discern allegations of illegality/illicit activities of the individual UPDF officers done in personal capacity from those activities considered illegal/illicit committed while acting in official capacity. For example:

(a) In Para 102 the Report alleges that in anticipation of the withdrawal from DRC by UPDF, a paramilitary force is being trained by Lt. Gen. Saleh which is being prepared to continue to facilitate the commercial activities of UPDF officers after UPDF has departed from the DRC.

Comment:

- As a matter of policy and law, Uganda government does not allow, encourage, or condone the establishment of personal armies. In this context, it is important to note that the alleged personal para-military force does not exist as explained in paragraph above.

(b) In Para 122 – the Panel claims that in order for UPDF to formalise the condition for its continued presence, Col. Mayombo (CMI) signed a protocol of Accord with RCD/ML as an official representative of the Government, for a monthly stipend of $25,000 and all Uganda enterprises approved by UPDF would be exonerated all duties and taxes.

Comment:

- The alleged Accord does not exist in government records.

- Col. Mayombo as chief of Intelligence had opportunity to meet the Panel, and if this Accord existed, the issue should have been raised with him or government of Uganda in order to provide a fair hearing, as required by the Panel's mandate (S/PRST/2001/13).

VI. OBSERVATIONS AND CONCLUSIONS OF THE UN PANEL OF EXPERTS

30. The Uganda Government agrees with the following observations of the UN Panel of Experts:

(a) That the situation in the DRC is a consequence of the lack of a central government with the authority and capacity to protect its citizens and resources (Para 149). However, it should be noted that this situation is not a new phenomenon, but has been a feature of the recurring history of the DRC from the time of King Leopold II of Belgium to the establishment of the predatory state of the late President Mobutu. The four years of war have only exacerbated the already existing situation.

(b) That the early establishment of an all inclusive transitional Government in the DRC would be a positive step towards halting the exploitation of Natural Resources (Para 151). This has been the consistent view of signatories of Lusaka Ceasefire Agreement. However, the key to the issue of continued monitoring should be with the new political dispensation in the DRC.

31. Uganda, however, disagrees with the following observations by the UN Panel:

(a) That the withdrawal of foreign troops will not end the illegal exploitation of natural resources because of the existence of networks to continue with the exploitation thereafter (Para 150). In the case of Uganda, there is no proof of the existence of such networks.

(b) That it is the political will of those involved with the networks that would halt the illegal exploitation of resources in the DRC and that the Lusaka, Pretoria and Luanda Agreements do not address the economic component of the conflict (Para 152). The whole observation is incorrect given the following facts:

- The Lusaka Ceasefire Agreement and the Luanda Agreement are strong and clear statements of political will and commitment.
- The Lusaka agreement establishes a framework for the building of a strong state able to, inter-alia, create conditions for economic developments.
- The sun city resolutions include a chapter addressing financial and economic issues.
- Article 6 of the Luanda agreement addresses the social economic issues of trade and investment, which are to be implemented through a Joint Permanent Commission for Cooperation between Uganda and the DRC.

Conclusions of the UN Panel of Experts

32. Uganda welcomes the conclusion that an Embargo or a moratorium banning exports of raw materials originating in the Democratic Republic of the Congo is not viable because it would hurt the citizens, government and the natural environment.

33. We also welcome the principle of punitive measures to be taken against those who are involved in the illegal exploitation of the natural resources (Para 155). However, any sanctions against individuals or companies should be applied as a result of a judicial process.

34. Uganda also agrees with the conclusion that disincentives be enacted to put pressure in case of non-compliance with the Lusaka Ceasefire, Pretoria and Luanda Agreements signed (Para 159). This has long been the lacking component to expedite the implementation of these agreements.

35. On the proposal to hold a Regional International Conference on peace, security, democracy and sustainable development in the Great Lakes region (Para 160), Uganda reiterates its view that this conference should be held after implementing the Lusaka Ceasefire Agreement. This would avoid undermining the regional consensus encapsulated in this agreement and the current momentum of troops withdrawal provided for under the Pretoria and Luanda Agreements. Economic Regional Integration is welcome idea and can be achieved within the framework of the African Union/NEPAD.

VII: RECOMMENDATIONS OF THE UN PANEL OF EXPERTS

36. Uganda would like to make comments on the following recommendations:

Panel's Recommendation (Para. 162)

Regional economic integration and trade could be the focus of an agreement or set of agreements that could emerge from discussions regionally, including at the International Conference on peace, security and sustainable development.

Comments:

The International Conference on the Great Lakes Region should be held after the implementation of the Lusaka, Pretoria and Luanda Agreements. However, to avoid duplication and waste of resources, the international conference should be held within the framework of the African Union/NEPAD.

37. **Panel's Recommendation (Para 163)**

Reconstructing and reforming the state institutions of the Democratic Republic of Congo, particularly the state's capacity to secure its territory and borders.

Comments:

Uganda welcomes the idea of a strong Government in the DRC able to control the country's natural resources and borders so that its territory is not used to destabilize her regional neighbours.

38. **Panel's Recommendation (Para 170)**

The Governments of the countries where the individuals, companies and financial institutions that are systematically and actively involved in these activites are based should assume their share of the responsibility.

39. **Comments:**

Uganda welcomes the idea of governments taking responsibility to use the evidence adduced by the panel to subject to trial and conviction of individuals and entities operating within their respective borders. Uganda has established a Judicial Commission of Inquiry headed by Justice Porter and would encourage others, especially the end-user countries to do likewise.

40. **Panel's Recommendations (Paras 174-176)**

Restrictions on business enterprises and individuals. Travel bans, freezing personal assets of persons involved in illegal exploitation and barring selected companies and individuals from accessing banking facilities and other financial institutions from receiving funding.

Comments:

Uganda would support the above measures to be taken provided that the individuals and companies implicated by the UN Panel of experts are first subjected to a judicial process.

41. **Panel's Recommendation (Para 179)**

Promotion of post-conflict peace-building programmes including regional integration, capacity-building…

Comments:

Uganda strongly supports and endorses the recommendation for the strengthening of regional integration and capacity building as part of the post-conflict peace building programme. These should be the priority areas for the UN and the international community to assist Africa in the implementation of NEPAD.

42. **Panel's Recommendations (Paras 186 & 187)**

There is need for a monitoring process to scrutinise the situation in the Great Lakes region to ensure that those exploitation activities are significantly curbed.

Comments:

Uganda is of the view that after the establishment of a strong and capable central Government in the DRC under the Lusaka Ceasefire Agreement and beyond, the idea of continued monitoring will not be necessary. In any case the decision on this should be the responsibility of the new political dispensation in the DRC.

VIII. WAY FORWARD

43. **Uganda remains convinced that the UN Security Council should put priority emphasis on the speedy implementation of the Lusaka Ceasefire Agreement and the supporting agreements made in Pretoria and Luanda. This will lead to the establishment of a new transitional government and state capacity to guarantee against the illegal exploitation of the natural resources and other forms of wealth of the DRC.**

44. The speedy implementation of disarmament, demobilisation, reintegration, repatriation and resettlement (DDRRR) still remains key to peace and security in the Great Lakes region. Uganda, therefore, calls upon the UN Security Council to strengthen MONUC and support capacity building programmes for peace-keeping/building by African countries in order to implement DDRRR.

45. The way forward for Ituri is through the implementation of Luanda Agreement that provides for the Pacification Commission. The International Community should provide adequate material support for the Ituri Pacification Commission. The UN Security Council at this stage should assume its responsibility and provide adequate deployment of MONUC for the purpose of maintaining law and order in the area, given the fact that UPDF is committed under the Luanda Agreement to complete withdrawal from Bunia by 15 December 2002.

46. The proposed international conference on peace, security and sustainable development should take place under the auspices of the UN and AU soon after the establishment of the transitional governments in Burundi and the DRC. Issues to be discussed at the international/regional conference for the Great Lakes should include:

- **Post-conflict rehabilitation, reconstruction and development in the Great Lakes Region.**
- **Measures to support the deepening of regional/economic integration especially in infrastructure and human resources development.**
- **Capacity-building for peace-keeping/building and conflict resolutions.**
- **Strengthening AU capacity to monitor the post-conflict reconstruction in the context of NEPAD.**

47. Uganda calls upon the countries cited in the Final Report including the end-user countries, to establish independent Judicial Mechanisms to investigate and recommend appropriate actions on allegations of illegal exploitation of the natural resource of the DRC. The UN Secretary-General should cooperate and share information with the member states who wish to establish such judicial mechanisms. Uganda would be happy to share with other countries the experience from the work of Porter Commission of Inquiry in the illegal exploitation of the natural resources and other forms of wealth of the DRC. It is in this context that individual and companied/entities mentioned can be fairly tried and punished.

Kampala, Uganda.

1st November, 2002

United Nations S/2002/1222

Security Council

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Identical letters dated 4 November 2002 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General and to the President of the Security Council

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 2 November 2002 from Mr. Naji Sabri, Minister for Foreign Affairs of the Republic of Iraq, concerning the fact that the aggression being committed by United States and British aircraft against Iraq continued in the period from 18 September to 17 October 2002 (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Mohammed A. **Aldouri**
Permanent Representative

02-67769 (E) 071102 111102

Annex to the identical letters dated 4 November 2002 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General and to the President of the Security Council

I should like to inform you that the United States of America and the United Kingdom are continuing their aerial aggression against the Republic of Iraq and that this aggression targets Iraqi towns and villages as well as civilian and military installations. United States and British warplanes based in the Kingdom of Saudi Arabia, the State of Kuwait and the Republic of Turkey thus violated Iraq's airspace and carried out 1,055 armed sorties in the period from 18 September to 17 October 2002, 875 of them from Kuwait and Saudi Arabia and 180 from Turkey.

In the course of these acts of aggression, on 25 September 2002 United States and British aircraft bombed civilian and military sites in Maysan and Dhi Qar governorates, wounding one citizen and damaging civilian and military installations.

On 26 September 2002, United States and British aircraft bombed civilian and military sites in Dhi Qar and Najaf governorates, wounding one citizen and damaging civilian and military installations. They also bombed the Basrah civilian radar installation in Basrah governorate and damaged it.

On 28 September 2002, United States and British aircraft bombed civilian and military sites in Dhi Qar and Maysan governorates, wounding one citizen and damaging civilian and military installations.

On 29 September 2002, United States and British aircraft bombed civilian and military sites in Basrah and Dhi Qar governorates, damaging civilian and military installations. On the same day, United States and British aircraft bombed Basrah international airport, wrecking its radar installation.

On 2 October 2002, United States and British aircraft bombed civilian and military sites in Wasit governorate, wounding three citizens and damaging civilian and military installations.

On 3 October 2002, United States and British aircraft bombed civilian and military sites in Dhi Qar governorate, killing five citizens, wounding 15 others and damaging civilian and military installations.

On 9 October 2002, United States and British aircraft bombed civilian and military sites in Ninawa governorate, killing four citizens, wounding 10 others and damaging civilian and military installations.

On 10 October 2002, United States and British aircraft bombed civilian and military sites in Dhi Qar governorate, damaging civilian and military installations. On the same day, United States and British aircraft bombed Basrah international airport, wrecking its radar installation.

On 11 October 2002, United States and British aircraft bombed civilian and military sites in Dhi Qar governorate, damaging civilian and military installations.

The enforcement by the United States and the United Kingdom of no-flight zones in northern and southern Iraq with the concomitant use of military force is a flagrant violation of the Charter of the United Nations, the established norms of international law and the Security Council resolutions affirming respect for Iraq's sovereignty, territorial integrity and political independence, and it constitutes armed aggression against Iraq that has been ongoing since 1991. The international

community has condemned the maintenance of the no-flight zones as representing an illegal use of force against an independent State. At his press conference of 19 December 2001 the Secretary-General of the United Nations did the same, when he said (press release SG/SM/8081):

> "[I indicated that] ... I did not see anything in the Security Council resolution that authorizes the imposition or the enforcement of a no-flight zone. But several countries have decided to do it ...".

The attacks being launched by United States and British aircraft on Iraqi towns and villages and on structures that are basic to life in the country, including health-care and educational establishments and houses of worship, constitute flagrant aggression, blatant and continuing State terrorism and gross interference in the internal affairs of Iraq. When the 30-nation aggression of 1991 failed to break the will of Iraqis or to impair their freedom and independence, the United States and the United Kingdom proceeded to take the unilateral decision to impose the no-flight zones, first in northern Iraq on 7 April 1991 and then in southern Iraq on 27 August 1992, and they have used armed force to attack Iraqi civilian and military installations with a view to undermining Iraq's stability and endangering the lives of its people.

Although the international community has condemned this daily aggression and State terrorism against an independent State, which has taken the lives of thousands of Iraqi citizens and caused enormous material losses, the United States and the United Kingdom continue to proclaim their contempt for the Charter of the United Nations and the declared wish of the international community for a halt to this aggression. The Security Council has taken no action with regard to this terrorist aggression, and this raises serious questions about the credibility of the United Nations and the Security Council and about their capacity to apply the norms of the Charter to all without distinction and without the use of double standards or to halt the acts of aggression being committed by two of the permanent members of the Council that constitute a serious breach of regional and international peace and security. This bellicose, terrorist conduct on the part of the United States and the United Kingdom once again confirms that they are not to be trusted with the authority conferred on them by Article 24 of the Charter to act on behalf of the States Members of the United Nations in meeting their primary responsibility for the maintenance of international peace and security.

The Government of Iraq considers that the governments of the United States and the United Kingdom must bear full responsibility for this terrorist aggression. It affirms Iraq's established entitlement under the Charter of the United Nations and international law to exercise its legitimate right to defend itself against this ongoing hostile, terrorist activity.

In the context of the responsibilities assigned to you as they relate to the maintenance of international peace and security, we express the hope that you will call upon the governments of the countries in question to halt forthwith their continuing aggression against Iraq and that you will urge the regional parties that are facilitating its continuation to desist from doing so.

(*Signed*) Naji **Sabri**
Minister for Foreign Affairs

Enclosure

Violations of the airspace of the Republic of Iraq by United States and British warplanes, 18 September-17 October 2002

I. Northern region

In the northern region 180 armed sorties were flown at speeds of 720 to 780 kilometres per hour and at altitudes of 6,000 to 12,000 metres, as follows:

1. At 1100 hours on 18 September 2002, United States and British F-14, F-15, F-16 and EA-6B aircraft coming from bases in Turkey and from Turkish airspace penetrated Iraq's airspace in the northern region. They carried out 14 armed sorties, were supported by an AWACS aircraft operating inside Turkish airspace and overflew the Amadiyah, Rawanduz, Aqrah, Dohuk, Irbil, Zakho, Baibo and Mosul areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1315 hours, drove them off.

2. At 1100 hours on 19 September 2002, United States and British F-14, F-15, F-16, Jaguar and EA-6B aircraft coming from bases in Turkey and from Turkish airspace penetrated Iraq's airspace in the northern region. They carried out 14 armed sorties, were supported by an AWACS aircraft operating inside Turkish airspace and overflew the Zakho, Amadiyah, Baibo, Dohuk, Aqrah, Irbil, Rawanduz, Mosul, Ayn Zalah and Tall Afar areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1400 hours, drove them off.

3. At 1150 hours on 20 September 2002, United States and British F-14, F-15, Jaguar and EA-6B aircraft coming from bases in Turkey and from Turkish airspace penetrated Iraq's airspace in the northern region. They carried out 12 armed sorties, were supported by an AWACS aircraft operating inside Turkish airspace and overflew the Zakho, Amadiyah, Aqrah, Baibo, Dohuk, Rawanduz, Irbil, Mosul and Dokan areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1445 hours, drove them off.

4. At 1120 hours on 23 September 2002, United States and British F-14, F-15, F-16, Jaguar and EA-6B aircraft coming from bases in Turkey and from Turkish airspace penetrated Iraq's airspace in the northern region. They carried out 14 armed sorties, were supported by an AWACS aircraft operating inside Turkish airspace and overflew the Amadiyah, Dohuk, Zakho, Rawanduz, Aqrah, Irbil, Baibo and Dokan areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1400 hours, drove them off.

5. At 1105 hours on 24 September 2002, United States and British F-14, F-15, F-16 and EA-6B aircraft coming from bases in Turkey and from Turkish airspace penetrated Iraq's airspace in the northern region. They carried out 12 armed sorties, were supported by an AWACS aircraft operating inside Turkish airspace and overflew the Amadiyah, Zakho, Ayn Zalah, Tall Afar, Aqrah, Dohuk, Rawanduz, Mosul and Irbil areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1415 hours, drove them off.

6. At 1120 hours on 25 September 2002, United States and British F-14, F-15, F-16, Jaguar and EA-6B aircraft coming from bases in Turkey and from Turkish airspace penetrated Iraq's airspace in the northern region. They carried out 16 armed sorties, were supported by an AWACS aircraft operating inside Turkish airspace and

overflew the Zakho, Amadiyah, Aqrah, Mosul, Dokan, Dohuk, Irbil and Rawanduz areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1415 hours, drove them off.

7. At 1135 hours on 26 September 2002, United States and British F-14, F-15, F-16, Jaguar and EA-6B aircraft coming from bases in Turkey and from Turkish airspace penetrated Iraq's airspace in the northern region. They carried out 12 armed sorties, were supported by an AWACS aircraft operating inside Turkish airspace and overflew the Amadiyah, Zakho, Dohuk, Ayn Zalah, Tall Afar and Irbil areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1420 hours, drove them off.

8. At 1145 hours on 30 September 2002, United States and British F-14, F-15, F-16 and EA-6B aircraft coming from bases in Turkey and from Turkish airspace penetrated Iraq's airspace in the northern region. They carried out 14 armed sorties, were supported by an AWACS aircraft operating inside Turkish airspace and overflew the Zakho, Aqrah, Amadiyah, Dohuk, Mosul, Irbil and Rawanduz areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1510 hours, drove them off.

9. At 1300 hours on 1 October 2002, United States and British F-14, F-15 and F-16 aircraft coming from bases in Turkey and from Turkish airspace penetrated Iraq's airspace in the northern region. They carried out 14 armed sorties, were supported by an AWACS aircraft operating inside Turkish airspace and overflew the Zakho, Baibo, Aqrah, Irbil, Dokan, Amadiyah, Rawanduz and Dokan areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1500 hours, drove them off.

10. At 1030 hours on 9 October 2002, United States and British F-14, F-15, F-16 and EA-6B aircraft coming from bases in Turkey and from Turkish airspace penetrated Iraq's airspace in the northern region. They carried out 16 armed sorties, were supported by an AWACS aircraft operating inside Turkish airspace and overflew the Zakho, Amadiyah, Irbil, Mosul, Dohuk, Aqrah and Rawanduz areas. These aircraft bombed civilian and military sites in Ninawa governorate, killing four citizens, wounding 10 others and damaging civilian and military installations. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1325 hours, drove them off.

11. At 1035 hours on 10 October 2002, United States and British F-14, F-15 and F-16 aircraft coming from bases in Turkey and from Turkish airspace penetrated Iraq's airspace in the northern region. They carried out 10 armed sorties, were supported by an AWACS aircraft operating inside Turkish airspace and overflew the Zakho, Dohuk, Amadiyah, Baibo and Aqrah areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1125 hours, drove them off.

12. At 1045 hours on 11 October 2002, United States and British F-14, F-15, F-16 and Jaguar aircraft coming from bases in Turkey and from Turkish airspace penetrated Iraq's airspace in the northern region. They carried out 16 armed sorties, were supported by an AWACS aircraft operating inside Turkish airspace and overflew the Baibo, Amadiyah, Aqrah, Zakho, Rawanduz, Irbil, Dokan, Tall Afar and Dohuk areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1345 hours, drove them off.

13. At 1115 hours on 14 October 2002, United States and British F-14, F-15, F-16 and EA-6B aircraft coming from bases in Turkey and from Turkish airspace penetrated Iraq's airspace in the northern region. They carried out 16 armed sorties, were supported by an AWACS aircraft operating inside Turkish airspace and overflew the Dokan, Dohuk, Aqrah, Rawanduz, Irbil, Mosul and Ayn Zalah areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1415 hours, drove them off.

II. Southern region

In the southern region 875 armed sorties were flown at speeds of 720 to 780 kilometres per hour and at altitudes of 9,000 to 13,000 metres, as follows:

1. At 0840 hours on 18 September 2002, United States and British F-14, F-15, F-16 and Tornado aircraft coming from bases in Saudi Arabia and Kuwait and from Kuwaiti and Saudi airspace and territorial waters penetrated Iraq's airspace in the southern region. They carried out 41 armed sorties from Kuwaiti territory and by way of the demilitarized zone between Iraq and Kuwait with the support of an AWACS command and control aircraft operating inside Saudi airspace. They overflew the Artawi, Salman, Lasaf, Jalibah, Amarah, Hashimiyah, Ali al-Gharbi, Samawah, Mashkhab, Nasiriyah, Najaf and Diwaniyah areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1220 hours, drove them off.

2. At 1005 hours on 19 September 2002, United States and British F-14, F-15, F-16, Tornado and EA-6B aircraft coming from bases in Saudi Arabia and Kuwait and from Saudi and Kuwaiti airspace and territorial waters penetrated Iraq's airspace in the southern region. They carried out 29 armed sorties from Kuwaiti territory and by way of the demilitarized zone between Iraq and Kuwait with the support of an AWACS command and control aircraft operating inside Saudi airspace. They overflew the Basrah, Qurnah, Qal'at Salih, Amarah, Artawi, Lasaf, Busayyah, Jalibah, Jabayish, Nasiriyah, Shatrah, Rifa'i, Qal'at Sukkar, Salman, Rumaythah, Samawah, Shinafiyah, Diwaniyah, Afak, Ukhaydir, Hayy and Ashbajah areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1235 hours, drove them off.

3. At 0915 hours on 20 September 2002, United States and British F-14, F-15, Jaguar and EA-6B aircraft coming from bases in Saudi Arabia and Kuwait and from Saudi and Kuwaiti airspace and territorial waters penetrated Iraq's airspace in the southern region. They carried out 22 armed sorties from Kuwaiti territory and by way of the demilitarized zone between Iraq and Kuwait with the support of an AWACS command and control aircraft operating inside Saudi airspace. They overflew the Lasaf, Jalibah, Artawi, Qurnah, Nukhayb, Busayyah, Qal'at Sukkar, Rifa'i, Rumaythah, Shinafiyah, Taqtaqanah, Shatrah and Samawah areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1100 hours, drove them off.

4. At 0720 hours on 21 September 2002, United States and British F-14, F-15, Tornado and EA-6B aircraft coming from bases in Saudi Arabia and Kuwait and from Kuwaiti and Saudi airspace and territorial waters penetrated Iraq's airspace in the southern region. They carried out 39 armed sorties from Kuwaiti territory and by way of the demilitarized zone between Iraq and Kuwait with the support of an AWACS command and control aircraft operating inside Saudi airspace. They

overflew the Nasiriyah, Samawah, Amarah, Diwaniyah, Karbala', Taqtaqanah, Hayy, Nukhayb, Salman, Lasaf, Artawi, Qal'at Sukkar and Rifa'i areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1140 hours, drove them off.

5. At 0930 hours on 22 September 2002, United States and British F-14, F-15, Tornado and EA-6B aircraft coming from bases in Saudi Arabia and Kuwait and from Kuwaiti and Saudi airspace and territorial waters penetrated Iraq's airspace in the southern region. They carried out 41 armed sorties from Kuwaiti territory and by way of the demilitarized zone between Iraq and Kuwait with the support of an AWACS command and control aircraft operating inside Saudi airspace. They overflew the Basrah, Artawi, Jalibah, Busayyah, Lasaf, Ashbajah, Qurnah, Salman, Qal'at Salih, Samawah, Shatrah and Nasiriyah areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1305 hours, drove them off.

6. At 2130 hours on 24 September 2002, United States and British F-15 aircraft coming from bases in Saudi Arabia and Kuwait and from Kuwaiti and Saudi airspace and territorial waters penetrated Iraq's airspace in the southern region. They carried out 48 armed sorties from Kuwaiti territory and by way of the demilitarized zone between Iraq and Kuwait with the support of an AWACS command and control aircraft operating inside Saudi airspace. They overflew the Artawi, Busayyah, Nasiriyah, Amarah, Hayy, Afak, Taqtaqanah, Qurnah, Basrah, Qal'at Salih, Samawah, Salman and Rumaythah areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 2130 hours, drove them off.

7. At 2245 hours on 25 September 2002, United States and British F-14, F-15, F-16, Tornado and EA-6B aircraft coming from bases in Saudi Arabia and Kuwait and from Kuwaiti and Saudi airspace and territorial waters penetrated Iraq's airspace in the southern region. They carried out 44 armed sorties from Kuwaiti territory and by way of the demilitarized zone between Iraq and Kuwait with the support of an AWACS command and control aircraft operating inside Saudi airspace. They overflew the Nasiriyah, Busayyah, Diwaniyah, Samawah, Najaf, Basrah, Hillah, Qal'at Salih, Karbala', Jabayiah and Salman areas. These aircraft bombed civilian and military sites in Maysan and Dhi Qar governorates, wounding one citizen and damaging civilian and military installations. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 0115 hours, drove them off.

8. At 2255 hours on 26 September 2002, United States and British F-14, F-15, Tornado and EA-6B aircraft coming from bases in Saudi Arabia and Kuwait and from Kuwaiti and Saudi airspace and territorial waters penetrated Iraq's airspace in the southern region. They carried out 31 armed sorties from Kuwaiti territory and by way of the demilitarized zone between Iraq and Kuwait with the support of an AWACS command and control aircraft operating inside Saudi airspace. They overflew the Jabayish, Qal'at Salih, Artawi, Busayyah, Jalibah, Nasiriyah, Shatrah, Rifa'i, Rumaythah, Samawah, Shinafiyah, Lasaf, Ashbajah, Salman, Najaf and Taqtaqanah areas. These aircraft bombed civilian and military sites in Dhi Qar and Najaf governorates, wounding one citizen and damaging civilian and military installations. They also bombed the Basrah civilian radar installation in Basrah governorate and damaged it. Our air defences, acting in exercise of the legitimate

right to defend the homeland, engaged the aircraft and, at 0105 hours, drove them off.

9. At 2155 hours on 27 September 2002, United States and British F-14, F-15, F-16, F-18, Tornado and EA-6B aircraft coming from bases in Saudi Arabia and Kuwait and from Kuwaiti and Saudi airspace and territorial waters penetrated Iraq's airspace in the southern region. They carried out 28 armed sorties from Kuwaiti territory and by way of the demilitarized zone between Iraq and Kuwait with the support of an AWACS command and control aircraft operating inside Saudi airspace. They overflew the Artawi, Qurnah, Amarah, Jalibah, Lasaf, Nasiriyah, Shatrah, Rifa'i, Samawah, Shinafiyah, Ashbajah, Salman, Taqtaqanah, Qal'at Sukkar and Basrah areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 0130 hours, drove them off.

10. At 2250 hours on 28 September 2002, United States and British F-14, F-15, Tornado and EA-6B aircraft coming from bases in Saudi Arabia and Kuwait and from Kuwaiti and Saudi airspace and territorial waters penetrated Iraq's airspace in the southern region. They carried out 18 armed sorties from Kuwaiti territory and by way of the demilitarized zone between Iraq and Kuwait with the support of an AWACS command and control aircraft operating inside Saudi airspace. They overflew the Basrah, Nasiriyah, Amarah, Samawah, Kut, Hayy, Afak, Taqtaqanah, Lasaf, Busayyah and Artawi areas. These aircraft bombed civilian and military sites in Dhi Qar and Maysan governorates, wounding one citizen and damaging civilian and military installations. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 0205 hours, drove them off.

11. At 2350 hours on 29 September 2002, United States and British F-15, F-16 and EA-6B aircraft coming from bases in Saudi Arabia and Kuwait and from Kuwaiti and Saudi airspace and territorial waters penetrated Iraq's airspace in the southern region. They carried out 18 armed sorties from Kuwaiti territory and by way of the demilitarized zone between Iraq and Kuwait with the support of an AWACS command and control aircraft operating inside Saudi airspace. They overflew the Basrah, Busayyah, Nasiriyah, Samawah, Shinafiyah, Salman, Hayy, Lasaf, Qal'at Sukkar and Rumaythah areas. These aircraft bombed civilian and military sites in Basrah and Dhi Qar governorates, damaging civilian and military installations. On the same day, United States and British aircraft bombed Basrah international airport, wrecking its radar installation. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 0130 hours, drove them off.

12. At 2245 hours on 30 September 2002, United States and British F-14, F-15, F-16, Tornado and EA-6B aircraft coming from bases in Saudi Arabia and Kuwait and from Kuwaiti and Saudi airspace and territorial waters penetrated Iraq's airspace in the southern region. They carried out 29 armed sorties from Kuwaiti territory and by way of the demilitarized zone between Iraq and Kuwait with the support of an AWACS command and control aircraft operating inside Saudi airspace. They overflew the Busayyah, Nasiriyah, Lasaf, Salman, Hayy, Qal'at Sukkar, Jalibah, Artawi, Samawah, Shatrah, Rifa'i, Amarah, Rumaythah, Shinafiyah and Ashbajah areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 0230 hours, drove them off.

13. At 0020 hours on 2 October 2002, United States and British F-15, Tornado and EA-6B aircraft coming from bases in Saudi Arabia and Kuwait and from Kuwaiti

and Saudi airspace and territorial waters penetrated Iraq's airspace in the southern region. They carried out 19 armed sorties from Kuwaiti territory and by way of the demilitarized zone between Iraq and Kuwait with the support of an AWACS command and control aircraft operating inside Saudi airspace. They overflew the Busayyah, Nu'maniyah, Nasiriyah, Jalibah, Shatrah, Rifa'i, Hayy and Kut areas. These aircraft bombed civilian and military sites in Wasit governorate, wounding three citizens and damaging civilian and military installations. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 0130 hours, drove them off.

14. At 0940 hours on 3 October 2002, United States and British F-14, F-15, F-18, Tornado and EA-6B aircraft coming from bases in Saudi Arabia and Kuwait and from Kuwaiti and Saudi airspace and territorial waters penetrated Iraq's airspace in the southern region. They carried out 55 armed sorties from Kuwaiti territory and by way of the demilitarized zone between Iraq and Kuwait, with the support of an AWACS command and control aircraft operating inside Kuwaiti airspace. They overflew the Shatrah, Rifa'i and Qal'at Sukkar areas. These aircraft bombed civilian and military sites in Dhi Qar governorate, killing five citizens, wounding 15 others and damaging civilian and military installations. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1340 hours, drove them off.

15. At 0805 hours on 4 October 2002, United States and British F-14, F-15, F-16, F-18, Tornado and EA-6B aircraft coming from bases in Saudi Arabia and Kuwait and from Kuwaiti and Saudi airspace and territorial waters penetrated Iraq's airspace in the southern region. They carried out 61 armed sorties from Kuwaiti territory and by way of the demilitarized zone between Iraq and Kuwait with the support of an AWACS command and control aircraft operating inside Saudi airspace. They overflew the Basrah, Nasiriyah, Samawah, Amarah, Diwaniyah, Jalibah, Artawi, Afak, Qurnah, Hayy, Kut, Nu'maniyah, Hashimiyah, Najaf, Shaykh Sa'd, Ali al-Gharbi, Busayyah and Shatrah areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1130 hours, drove them off.

16. At 0905 hours on 5 October 2002, United States and British F-14, F-15, F-16, F-18, Tornado and EA-6B aircraft coming from bases in Saudi Arabia and Kuwait and from Kuwaiti and Saudi airspace and territorial waters penetrated Iraq's airspace in the southern region. They carried out 38 armed sorties from Kuwaiti territory and by way of the demilitarized zone between Iraq and Kuwait with the support of an AWACS command and control aircraft operating inside Saudi airspace. They overflew the Busayyah, Salman, Artawi, Jalibah, Nasiriyah, Shatrah, Rifa'i, Qal'at Sukkar, Hayy, Ali al-Gharbi, Afak, Samawah, Shinafiyah, Diwaniyah, Rumaythah, Najaf and Shaykh Sa'd areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1105 hours, drove them off.

17. At 0730 hours on 6 October 2002, United States and British F-14, F-15 and F-16 aircraft coming from bases in Saudi Arabia and Kuwait and from Kuwaiti and Saudi airspace and territorial waters penetrated Iraq's airspace in the southern region. They carried out 38 armed sorties from Kuwaiti territory and by way of the demilitarized zone between Iraq and Kuwait with the support of an AWACS command and control aircraft operating inside Saudi airspace. They overflew the

Basrah, Qal`at Salih, Amarah, Artawi, Busayyah, Hayy, Nasiriyah, Qal`at Sukkar, Ali al-Gharbi, Nu`maniyah, Hashimiyah, Diwaniyah, Samawah, Shinafiyah, Lasaf, Ashbajah and Salman areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1030 hours, drove them off.

18. At 1000 hours on 7 October 2002, United States and British F-14, F-15, F-16, F-18, Tornado and EA-6B aircraft coming from bases in Saudi Arabia and Kuwait and from Kuwaiti and Saudi airspace and territorial waters penetrated Iraq's airspace in the southern region. They carried out 45 armed sorties from Kuwaiti territory and by way of the demilitarized zone between Iraq and Kuwait with the support of an AWACS command and control aircraft operating inside Saudi airspace. They overflew the Nasiriyah, Hayy, Afak, Diwaniyah, Amarah, Qal`at Salih, Samawah, Busayyah and Artawi areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1310 hours, drove them off.

19. At 1015 hours on 8 October 2002, United States and British F-14, F-15, Tornado and EA-6B aircraft coming from bases in Saudi Arabia and Kuwait and from Kuwaiti and Saudi airspace and territorial waters penetrated Iraq's airspace in the southern region. They carried out 31 armed sorties from Kuwaiti territory and by way of the demilitarized zone between Iraq and Kuwait with the support of an AWACS command and control aircraft operating inside Saudi airspace. They overflew the Nasiriyah, Diwaniyah, Basrah, Najaf, Karbala', Kut, Hashimiyah, Hayy, Jalibah, Busayyah, Samawah, Qal`at Sukkar and Artawi areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1310 hours, drove them off.

20. At 0830 hours on 10 October 2002, United States and British F-14, F-15, Tornado and EA-6B aircraft coming from bases in Saudi Arabia and Kuwait and from Kuwaiti and Saudi airspace and territorial waters penetrated Iraq's airspace in the southern region. They carried out 43 armed sorties from Kuwaiti territory and by way of the demilitarized zone between Iraq and Kuwait with the support of an AWACS command and control aircraft operating inside Saudi airspace. They overflew the Basrah, Qurnah, Amarah, Artawi, Busayyah, Jalibah, Suq al-Shuyukh, Nasiriyah, Shatrah, Rifa`i, Qal`at Sukkar, Hayy, Diwaniyah, Hashimiyah, Ukhaydir, Najaf, Lasaf and Samawah areas. These aircraft bombed civilian and military sites in Dhi Qar governorate, damaging civilian and military installations. On the same day, United States and British aircraft bombed Basrah international airport, wrecking its radar installation. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1145 hours, drove them off.

21. At 0805 hours on 11 October 2002, United States and British F-14, F-15, F-16, Tornado and EA-6B aircraft coming from bases in Saudi Arabia and Kuwait and from Kuwaiti and Saudi airspace and territorial waters penetrated Iraq's airspace in the southern region. They carried out 43 armed sorties from Kuwaiti territory and by way of the demilitarized zone between Iraq and Kuwait with the support of an AWACS command and control aircraft operating inside Saudi airspace. They overflew the Nasiriyah, Samawah, Taqtaqanah, Salman, Jalibah, Artawi, Qal`at Sukkar, Jabayish and Shatrah areas. These aircraft bombed civilian and military sites in Dhi Qar governorate, damaging civilian and military installations. Our air

defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 0945 hours, drove them off.

22. At 0815 hours on 12 October 2002, United States and British F-14, F-15, F-16, Tornado and EA-6B aircraft coming from bases in Saudi Arabia and Kuwait and from Kuwaiti and Saudi airspace and territorial waters penetrated Iraq's airspace in the southern region. They carried out 23 armed sorties from Kuwaiti territory and by way of the demilitarized zone between Iraq and Kuwait with the support of an AWACS command and control aircraft operating inside Saudi airspace. They overflew the Basrah, Nasiriyah, Samawah, Salman, Jalibah, Artawi, Busayyah, Rifa`i, Qal`at Sukkar, Afak, Shinafiyah, Ashbajah and Lasaf areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1100 hours, drove them off.

23. At 0635 hours on 13 October 2002, United States and British F-14, F-15, F-16, F-18, Tornado and EA-6B aircraft coming from bases in Saudi Arabia and Kuwait and from Kuwaiti and Saudi airspace and territorial waters penetrated Iraq's airspace in the southern region. They carried out 24 armed sorties from Kuwaiti territory and by way of the demilitarized zone between Iraq and Kuwait with the support of an AWACS command and control aircraft operating inside Saudi airspace. They overflew the Jalibah, Busayyah, Artawi, Suq al-Shuyukh, Nasiriyah, Shatrah, Rifa`i, Qal`at Sukkar, Samawah, Rumaythah, Shinafiyah, Diwaniyah, Najaf, Ukhaydir, Lasaf, Ashbajah and Salman areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1100 hours, drove them off.

24. At 1015 hours on 14 October 2002, United States and British F-14, F-15, F-16, Tornado and EA-6B aircraft coming from bases in Saudi Arabia and Kuwait and from Kuwaiti and Saudi airspace and territorial waters penetrated Iraq's airspace in the southern region. They carried out 23 armed sorties from Kuwaiti territory and by way of the demilitarized zone between Iraq and Kuwait with the support of an AWACS command and control aircraft operating inside Saudi airspace. They overflew the Ma`aniyah, Lasaf, Busayyah, Salman, Jalibah, Afak, Nasiriyah, Samawah, Rumaythah, Diwaniyah, Shatrah, Rifa`i, Qal`at Salih, Amarah, Ukhaydir, Shinafiyah and Taqtaqanah areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1230 hours, drove them off.

25. At 1030 hours on 15 October 2002, United States and British F-14, F-15, Tornado and EA-6B aircraft coming from bases in Saudi Arabia and Kuwait and from Kuwaiti and Saudi airspace and territorial waters penetrated Iraq's airspace in the southern region. They carried out 27 armed sorties from Kuwaiti territory and by way of the demilitarized zone between Iraq and Kuwait with the support of an AWACS command and control aircraft operating inside Saudi airspace. They overflew the Nasiriyah, Amarah, Samawah, Ali al-Gharbi, Hayy, Kut, Diwaniyah, Karbala', Taqtaqanah, Najaf, Nukhayb and Artawi areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1340 hours, drove them off.

26. At 1255 hours on 16 October 2002, United States and British F-14, F-15, Tornado and EA-6B aircraft coming from bases in Saudi Arabia and Kuwait and from Kuwaiti and Saudi airspace and territorial waters penetrated Iraq's airspace in the southern region. They carried out 17 armed sorties from Kuwaiti territory and by

way of the demilitarized zone between Iraq and Kuwait with the support of an AWACS command and control aircraft operating inside Saudi airspace. They overflew the Artawi, Nasiriyah, Samawah, Salman, Busayyah, Jalibah, Shatrah, Shinafiyah, Taqtaqanah and Lasaf areas. Our air defences, acting in exercise of the legitimate right to defend the homeland, engaged the aircraft and, at 1600 hours, drove them off.

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Report of the Secretary-General on the United Nations Mission of Support in East Timor

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1410 (2002) of 17 May 2002, in which the Council decided to establish, as of 20 May 2002, for an initial period of 12 months, the United Nations Mission of Support in East Timor (UNMISET). In paragraph 13 of that resolution, I was requested to keep the Council closely and regularly informed of progress towards implementation of the resolution, including, in particular, progress towards achievement of the milestones in the mandate implementation plan, and to submit a report within six months of the date of adoption of that resolution and every six months thereafter. An oral briefing was provided to the Council on 13 August 2002 (S/PV.4598). The present report reviews the activities of UNMISET since its establishment in the context of political developments in the independent Democratic Republic of Timor-Leste.

II. Government activities

2. During the reporting period, the Government of Timor-Leste took office and its national institutions assumed responsibility for the management and conduct of its affairs. On 27 September 2002, Timor-Leste was admitted as the 191st Member State of the United Nations. The ceremony, which I attended together with President Xanana Gusmão, Prime Minister Mari Alkatiri and Minister for Foreign Affairs Jose Ramos-Horta, among others marked the formal culmination of the aspiration of its people for independence as a sovereign nation.

3. Since independence, the leaders of Timor-Leste have sought to promote a broad-based, democracy, and to heed concerns or complaints expressed by their citizens. Donors are funding programmes to strengthen the capacity of political parties both in the Parliament as well as at the district level.

4. In response to recent demonstrations by diverse interest groups, including lawyers, taxi drivers, students and pensioners, against aspects of government policy or specific executive decisions, the Government has sought dialogue to promote a better understanding of its limited capacity to address those demands. In addition, former combatants and veterans have expressed increasing dissatisfaction with the Government over a perceived lack of recognition for their role in the struggle for

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independence, and some have threatened to create civil unrest. President Gusmão, who has long been concerned about this issue, has established two commissions to determine the role played by individuals in the resistance and to identify appropriate means of recognition, for which donor support may be sought in the future.

5. The Parliament passed its first piece of legislation, the Publication of Acts bill, on 28 June 2002, and has subsequently passed additional legislation on a number of important issues, including the Judicial Magistrates Statutes, the Citizenship Bill, the Passport Law and the Law on the Maritime Borders of the Democratic Republic of Timor-Leste. It is currently considering the Bill on Land and Property (which relates to State property only). Protection of human rights in Timor-Leste is being institutionalized, including through the establishment of the office of the "*Provedor*" for human rights and justice. Once enabling legislation is adopted, this constitutional office is intended to combine the role of an ombudsperson and a human rights commission. At the same time, mindful of the importance of strong external relations to the long-term security of Timor-Leste, the country's leaders have worked to ensure close relations with other States in the region. In this connection, relations with Indonesia were given crucial momentum by the decision of President Megawati Sukharnoputri of Indonesia to attend the independence celebrations and by the subsequent State visit of President Gusmão to Jakarta, on 2 July 2002, during which the two countries agreed to create a Joint Ministerial Commission for Bilateral Cooperation to address issues of mutual concern. In a further, significant step forward, the Joint Ministerial Commission decided at its first meeting, on 8 October 2002, to maintain the Joint Border Committee, which had first been established under the United Nations Transitional Administration in East Timor (UNTAET), and asked that the Committee "make every effort to finalize agreement by 30 June 2003, on a line that constitutes the border in accordance with historic agreements and legal instruments, on the basis of which the land border can be demarcated".

6. In view of the importance, for humanitarian and political reasons, of an agreement upon arrangements for maintenance of a soft border, the Joint Ministerial Commission decided to sign an arrangement on traditional border crossings and regulated markets at the earliest opportunity. The Commission also adopted a provisional agreement, pending the signature and implementation of the border-crossing arrangement, to allow persons residing in Oecussi to cross into neighbouring areas of West Timor without passports or visas. Early implementation of this measure will allow citizens, many of whom cannot afford existing visa fees, to travel once more by land to other parts of Timor-Leste via Indonesia.

7. In the long term, close relations between Indonesia and Timor-Leste will also be supported by committed prosecution, in both countries, of those who are accused of serious crimes. In this connection, on 14 August 2002, the United Nations High Commissioner for Human Rights expressed concern over the proceedings of the ad hoc human rights tribunal in Jakarta.

8. Timor-Leste has become a member of the World Bank, the Asian Development Bank and the Community of Portuguese-Speaking Countries. It has established diplomatic relations with nearly all Member States of the Association of South-East Asian Nations (ASEAN) and participates in its meetings as an invited observer. It also participated as an observer in the third Summit of the African, Caribbean and Pacific Group of States, held in Fiji in July 2002.

9. Timor-Leste is seeking to elaborate with other partners a regulatory and technical framework for the development of natural resources, particularly oil and natural gas. On 20 May, the Timor Sea Treaty was signed between Australia and Timor-Leste. Once ratified, the Treaty foresees that revenues from the Treaty area will be shared between the two countries, with 90 per cent of the revenues from the Bayu-Undan field to Timor-Leste. A memorandum of understanding was also signed on the same day providing for the conclusion, by 31 December 2002, of an International Unitization Agreement for the efficient taxation, regulation and administration of the gas and oil field. In addition, Timor-Leste has initiated technical discussions with Australia regarding the exploitation of the reserves in the Joint Petroleum Development Area, on the understanding that this would not prejudice its position on the maritime boundary negotiations.

III. Contribution of the Mission

10. UNMISET, working in close collaboration with the Government of Timor-Leste, has begun its work towards accomplishing the objectives established by the Security Council in resolution 1410 (2002), as described in detail below.

Programme 1
Stability, democracy and justice

A. Support to post-independence public administration

11. Significant challenges to stability continue to be posed by insufficient technical and substantive capacity within the public administration, as recognized by the Security Council in its resolution 1410 (2002). The Civilian Support Group is addressing gaps within the administration in key areas, including financial areas, the justice system and the management of administrative and governmental affairs. The ability of the Group to make a contribution depends, however, on the recruitment of Timorese civil servants for these key positions, some of which have not yet been filled. In a very few instances, international civilian advisers have temporarily had to assume limited line responsibilities, but in these cases, priority is given to their mandate as mentors and their task of transferring skills at the earliest possible date.

12. A small liaison team within UNMISET has assisted in the preparation of the work plans for the civilian advisers and, in consultation with the Government, is assessing their progress. To date, 86 of the envisaged 100 "stability advisers" have started working, while the remaining 14 are in different stages of the recruitment process. For some of these 14 remaining positions, the relevant requirements were modified at the request of the Government, to respond to acute needs that became apparent in the post-independence period.

13. Beyond the Civilian Support Group, the Government is seeking support for 228 posts for development and poverty alleviation, of which 15 are required for autonomous bodies such as the Public Broadcasting Authority and the Commission for Reception, Truth and Reconciliation. To date, donors have committed to funding 90 of these positions and have expressed interest in funding 47 more. If all these commitments materialize, 91 positions will still require funding. Continued donor support both for these posts and other needs is essential for the longer-term stability

of Timor-Leste. Some donors have indicated that this requirement would have to be met through a reallocation of their existing commitments to budget support and other development assistance.

14. The functioning of Timor-Leste's justice system, of central importance for the stability and development of the State, has been affected by a lack of clarity regarding the separation of powers among the judiciary, legislature and the executive. Soon after independence, concern by the judiciary over the absence of a professional code for judges and prosecutors and an independent system for judicial appointments and reviews led to a halt in judicial activity for nearly a month. To resolve the impasse, in mid-July President Gusmão signed a decree pertaining to the transference of the legal system, which allowed the judges appointed by UNTAET to continue in their functions until permanent appointments were made. The national Parliament adopted the Judicial Magistrates Statutes on 3 September 2002 (see para. 5 above), which provide, inter alia, for the composition and functions of the Superior Council of the Judiciary and for the appointment and promotion of judges, despite concerns over some provisions of the statutes raised by the Special Rapporteur of the Commission on Human Rights on the independence of judges and lawyers. Until the members of the Superior Council to the Judiciary have been appointed and the Council becomes functional, no progress can be made on filling judicial or prosecutorial vacancies, including those in the Court of Appeal. It is urgent that this situation be resolved.

15. Other challenges to the development of the judicial system stem from a lack of crucial resources. The Government, with assistance from the United Nations system, is preparing a plan for the enhancement of the justice sector. It presented an outline of the plan at a donors' meeting on 12 October. Priorities included the need for capacity-building for the administrative staff of the Minister's office; training of prosecutors, recruitment of additional prosecutors, transcription software and training in records management for prosecutors; and the engagement of court administrators. They also included development of interpretation and language skills of judges, including intensive training in Portuguese; recruitment of international judges to the Court of Appeal and the Special Panels for Serious Crimes; assistance for the office of public defenders; assistance designed to improve legislative drafting; and improvements in the prison sector. While donors confirmed their willingness to participate in some of these areas, all require immediate support.

16. The problems with the functioning of the court system have contributed to a situation where the majority of the prison population are being held for prolonged periods without trial. At the time of writing, approximately one quarter of the some 300 inmates being held have been detained without valid warrants. Since independence, national staff have taken almost complete responsibility for the running of the prison service, but they require additional training and equipment. Delays in the appointment of a Director of Prisons and of managers for the institutions in Baucau and Gleno have impeded the development of the correctional system, as has the absence of an effective oversight mechanism to monitor standards and investigate complaints. In this context, two major prison disturbances took place after independence, on 9 June and 16 August 2002. During the last disturbance, nearly 193 prisoners forced their way out of the prison. While many of them were persuaded to return peacefully, 92 inmates escaped, of whom 17 still remain at large. To ensure prison security in the short-term, United Nations civilian police and

officers of the Timor-Leste Police Service are providing external perimeter security at three correctional facilities (Becora, Gleno and Baucau).

17. The Government, with the support of the United Nations system and bilateral donors, is also seeking to address key problems within the correctional system. As an initial step, a joint needs assessment, which took place from 14 to 26 October 2002, recommended: implementation of systems for inmate discipline and redress of grievances; establishment of a code of conduct for prison staff; constitution of a prison oversight committee; establishment of a facility for juveniles; and formation of a national correctional commission charged with the task of developing a rational vision for the correctional system. Apart from these immediate concerns, a longer-term challenge for the Government is that of the rehabilitation and reintegration of prisoners.

B. Assistance in the conduct of investigations of serious crimes

18. In accordance with the priorities defined by the Security Council on the issue, continued international assistance is essential to bring to justice those responsible for serious crimes committed in 1999. The current implementation plan sets out a timetable for the Serious Crimes Unit's investigations to be completed by 31 December 2002, after which the Unit will continue to provide assistance to prosecutors during the trials by carrying out follow-on investigations and giving court testimony.

19. To date, there have been 41 indictments involving 119 alleged perpetrators of serious crimes. Of these indictments, 19 are for crimes against humanity. The last indictment was filed on 24 September 2002. Currently, 17 case proceedings are pending before the Special Panels for Serious Crimes. So far, 25 persons have been convicted and one has been acquitted due to lack of jurisdiction.

20. In the context of the mandate implementation plan, 5 of the 10 priority cases have reached the Special Panels, four cases are pending and judgement has been handed down in one. Both the defence and the prosecution have filed appeals against this judgement and on the quantum of the sentence. Investigations into the remaining priority cases and cases of widespread patterns of serious violence are ongoing.

21. While every effort is being made to carry out the mandate implementation plan, impediments to progress include the above-mentioned constraints faced by the justice system as well as a lack of specific resources required in this area, including a lack of forensic pathologists and enhanced investigative capacity. The early appointment of international judge-mentors to the Court of Appeals is of particular relevance to the prosecution of serious crimes since they are required to hear appeals against the judgements delivered by the Special Panels.

22. Additional cases of serious crimes beyond those provided for under the mandate implementation plan have emerged, possibly involving crimes against humanity. With the programmed reduction of investigations and the seriously limited national capacity, these cases may go uninvestigated, an outcome which could have possible implications for the reconciliation process.

23. The Commission for Reception, Truth and Reconciliation, an autonomous body established to facilitate reconciliation with justice, has commenced its operational phase. Offices in all the 13 districts, manned by over 200 national staff,

have started on the task of collecting an estimated 8,700 statements and facilitating 1,000 community reconciliation processes. The offices are being assisted by several international advisers, including two UNMISET human rights officers. Donors have provided just over half of the $4 million budget required for the Commission. The first community reconciliation process carried out by the Commission, which involved three former militia members, was attended by the United Nations High Commissioner for Human Rights, Mary Robinson, who visited Timor-Leste from 23 to 25 August 2002. During the visit, the High Commissioner signed a joint communiqué with the Government and civil society identifying a commitment to 11 human rights goals.

Programme II
Internal security and law enforcement

24. As agreed with the Government of Timor-Leste, UNPOL and the Timor-Leste Police Service maintain law and order as a joint service with a unified chain of command. Since independence, reported crime in Timor-Leste remains comparatively low, although there has been an increase in traffic accidents and reported domestic violence cases. The latter trend may reflect the efficacy of a public awareness campaign being pursued against gender-based violence, rather than increased incidence, although this remains to be confirmed. Several cases of violence involving "issue-based security groups" have occurred, particularly in the western districts of the country. On four occasions, the Timor-Leste Police Service and United Nations civilian police required perimeter support from UNMISET's military component to re-establish order. On the whole, there does not appear to be any national-level coordination between these issue-based security groups nor do they appear, at present, to pose a significant threat to internal security. However, the basic issues that galvanize these groups, such as high unemployment, still need to be addressed.

25. The transfer of policing responsibility, as agreed earlier by UNTAET and the transitional Timorese Government, is progressing on schedule (S/2002/432, paras. 83-86). As of early November 2002, the United Nations civilian police have handed over policing responsibilities to the Timor-Leste Police Service in the districts of Manatuto, Aileu, Manufahi and Ainaro. In the districts where the Timor-Leste Police Service has taken over responsibility, it has despite its lack of resources, maintained law and order without any major incidents. Full executive responsibility is expected to be handed over to the Timor-Leste Police Service for all 13 districts, specialized units and headquarters, in January 2004.

26. The downsizing plan for the UNMISET police component is proceeding according to schedule (ibid., annex III). At present, the UNMISET police component includes 741 officers. This marks a decrease of about one third from their strength of 1,250 at the time of independence. With regard to retention and recruitment, priority is being given to civilian police officers with specialized qualifications and skills who can mentor or train the officers of the Timor-Leste Police Service.

27. At the time of Timor-Leste's independence, 1,793 officers of the national Police Service had undergone the three-month basic training course and were on duty, co-located with their United Nations counterparts at appropriate levels of

command for on-the-job training. An additional 492 officers have completed the basic training course since then. As a result, a total of 2,285 officers of the Service are now serving in Timor-Leste, 82 more than previously projected. Another 250 candidates are currently undergoing training. With the support of international agencies, UNMISET has also been providing special units within the Police Service with training in conflict management, human rights and the handling of cases of domestic violence and sexual abuse.

28. Despite this progress in training and in the transferring of police responsibilities, officers of the Police Service are hindered by resource constraints. The lack of transportation, communication and other equipment, in particular, keeps them from gaining the confidence and respect of the communities in which they serve. If this situation persists, it could undermine the morale of the Service and its capacity to maintain law and order.

29. A joint assessment mission, with the involvement of the Government, the United Nations and donor countries, to assess the level of training and logistical support needed, as well as to identify potential partners who could fill the resource gaps, is planned for November. Realizing that building the Timor-Leste Police Service is a long-term endeavour, well beyond UNMISET's mandate, the assessment mission will be looking at the need of the Service over the next five years.

Programme III
External security and border control

A. Support for external security and territorial integrity

30. The overall external security and border control situation has continued to improve since my last report. Sustained action against former militia by the Indonesian armed forces, Tentara Nasional Indonesia (TNI), as well as ongoing efforts by both Governments to suppress criminal activity at the border and to remove remaining support bases, is expected in the medium term to eliminate any threat posed to the security of the country. However, the tragic bomb attack in Bali, Indonesia, offered a troubling indication of the risk of terrorism faced by the region. Even prior to this attack, Timor-Leste was the subject of a potential terrorist threat that resulted in the need for increased security of diplomatic and United Nations facilities, principally in Dili. The Government and UNMISET continue to jointly monitor the situation and have developed a series of contingency plans.

31. While there have been intermittent reports of firing in the vicinity of the Tactical Coordination Line (the informal boundary pending formal demarcation of the border), these are believed to be associated with hunting activity. Unregulated markets remain common in the vicinity of the Coordination Line. Although these markets are a valued source of traditional trade and economic livelihood for many citizens, they also provide opportunities for smuggling and other criminal activities and have been linked to the presence of former militia in the vicinity. Security agencies on both sides of the border have cooperated to control the markets and to suppress illegal activities. Such actions, which are largely the result of initiatives at the local level, have contributed directly to the reduction of the development of potential developments. The commitment of the Joint Commission to sign the arrangement on regulated border markets at the earliest opportunity (see para. 6

above), when given effect, will contribute further to a secure environment within which economic activity may prosper.

32. Resolution of the refugee problem remains a prerequisite to ensuring stability. It is estimated that 10,000 to 11,000 families (35,000-37,000 persons) remain in West Timor as refugees and that around 5,000 of these families include former members of the Indonesian civil service. Some former militia leaders, who are suspected to have perpetrated serious crimes, claim to have influence over large numbers of refugees in the camps in West Timor. They have sought to use this as a bargaining chip in negotiating concessions for their own return to Timor-Leste and that of their alleged supporters.

33. Refugee returns, which peaked during June and July 2002, have now slowed to a trickle. Of the 29,847 refugees who have returned so far this year, only 106 returns were recorded during the entire month of September, representing the lowest rate of return in the last 12 months. The daily return rates for October have also been extremely low, with only 17 returns in the first three weeks of the month.

34. A special fund has been established granting refugees who were formerly civil servants in the Government of Indonesia a onetime payment, in lieu of their regular pensions or severance packages, upon their return to Timor-Leste. However, after a period of over a year, with the Fund, having received only a fraction of the donor support sought, a decision was taken to distribute the amounts available. These payments commenced in November 2002 with a package starting at $50 for those who served up to 5 years, rising to a maximum payment to any single individual of about seven times that amount. The impact of such incentives in encouraging the return of Timor-Leste is unclear.

35. It is expected that those remaining in West Timor will lose their refugee status in Indonesia at the end of 2002, at which time the Office of the United Nations High Commissioner for Refugees (UNHCR) will cease its operations in the area. In order to encourage further returns before then, President Gusmão plans to make a personal appeal for additional returns during a November visit to the camps.

36. The robust border presence of the UNMISET military component, as well as an established pattern of consultation and cooperation with Indonesian military counterparts in West Timor, has continued to contribute to a stable security environment. Brigadier General Taur Matan Ruak, Commander of Timor-Leste's defence force, the Falintil-FDTL, who participated as an observer at the most recent command-level meeting between the Indonesian armed forces (TNI) and UNMISET's military component, was welcomed by the Indonesian authorities.

37. Due to the stable security situation, the first phase of the four-phase downsizing programme is to be completed as planned by the end of November (S/2002/432, annex IV). At that time, the military component of UNMISET will number some 3,870, including the United Nations Military Observer Group.

38. Further progress will depend upon continued stability in Timor-Leste, as well as the successful development, through adequate donor and bilateral support, of the national defence force (Falintil-FDTL) and of border services. The First Battalion of the defence force, which is based in Los Palos, is now undergoing training. Recruitment for the Second Battalion should be completed in early 2003. The stable environment allowed defence responsibility for the Lautem district to be handed over to the national defence force on 23 July 2002. With continued donor and

bilateral support, including for logistics and training, the force is expected to become fully operational by June 2004.

B. Assisting in the development of border security and control

39. Alongside political progress toward normalization of the border (see paras. 5-6 above), preparations continue for the assumption of responsibility by the Timor-Leste Police Service for immigration services, in January 2003, and for border patrolling, by June 2003. Nearly 25 per cent of the projected 200 border patrol and immigration officers have now completed their training.

40. However, the capacity of the Border Patrol Service, like other national services, is hampered by resource constraints. The absence of accommodation, at or near the border, both for office and residential use, and the lack of communications equipment have emerged as major impediments to an effective and timely handover.

IV. Role of the United Nations system

41. The Government's economic and social policies are defined by the objectives of the National Development Plan, the medium-term fiscal framework and the annual budget for 2002-2003, which were presented to donors in Dili on 14 and 15 May 2002. In this connection, the Government is working to create development networks with donor agencies, bilateral partners and non-governmental organizations.

42. Economic contraction following the withdrawal of a significant international presence is expected to be less drastic than had been feared — the actual decline in real GDP during 2002 is expected be around 1 per cent. During the first three months of fiscal year 2002-2003, from July to September, the Government collected revenues of $9.58 million or 23 per cent of the entire budgeted revenue of $41.3 million. Nearly half of the total revenue is accounted for by earning from the Timor Sea ($4.91 million). Capital expenditure has been largely insignificant as most of the Ministries have not yet finalized their capital expenditure plans. However, some 56 per cent of the total government expenditure has been spent on education and economic affairs.

43. The National Development Plan underscores the crucial linkage between infrastructure rehabilitation on the one hand and national development on the other, in particular agricultural productivity, alleviation of poverty and private sector investment. The rapid pace of infrastructure rehabilitation has continued over the past five months. Most of the water supply in urban and rural areas has been restored to the basic service levels existing before 1999. Dili port's cargo handling capacity has been expanded and regular ferry services between Dili and Oecussi and the island of Atauro have commenced. The road network is being maintained at a basic level. Progress has been made in the rehabilitation of power stations. By early 2003, it is estimated that 31 small power stations at district or subdistrict levels will have been rehabilitated with support from the World Bank Trust Fund, and bilateral donors. However, in the absence of effective management and cost-recovery mechanisms, the viability and sustainability of the power generation and distribution systems remains precarious.

44. The support of multilateral and bilateral donors for the economic and social well-being of Timor-Leste is vital for the long-term stability of the country. UNMISET is working closely with the wider United Nations system of agencies, funds and programmes and international financial institutions, as well as with bilateral actors and civil society, to assist the Government in its efforts to advance the objectives of the National Development Plan and to facilitate a smooth transition of the United Nations role towards traditional development assistance. The Mission has appointed focal points on HIV/AIDS and gender, and thematic groups have been formed to coordinate United Nations system efforts in these areas. It has taken the lead in developing constructive proposals, in active consultation with the Government, related to technical cooperation, particularly South-South cooperation, recognition and rehabilitation of veterans, productive employment generation, promotion of vocational education, entrepreneurship development and agriculture and health sector development, which will be implemented by the relevant United Nations agencies, funds and programmes. Furthermore, UNMISET and the United Nations Development Programme (UNDP) are working in partnership with the World Bank and other donor agencies in support of the Government's Transition Support Programme for poverty reduction, governance capacity-building, expenditure and policy management, private sector and power sector development, as foreseen under the National Development Plan.

V. Financial aspects

45. The General Assembly, in its resolution 56/296 of 27 June 2002, appropriated an amount of 305.2 million dollars gross, equivalent to a monthly rate of 25.4 million dollars gross for the operation of UNMISET for the period from 1 July 2002 to 30 June 2003. The cost of maintaining the Mission during the period would be limited to the monthly rate approved by the General Assembly.

46. As of 30 September 2002, unpaid assessments to the special account for UNTAET/UNMISET for the period since the inception of the Mission amounted to $213.6 million. The total outstanding assessed contributions for all peacekeeping operations at the same date amounted to $1,776.6 million.

VI. Observations and recommendations

47. During the first five months of its independence, the people and leaders of Timor-Leste have continued to consolidate the foundations of their country. The gains of the past three years are being reinforced through the continuing international presence and commitment, both through the presence of UNMISET and through bilateral contributions. However, as was recognized by the Security Council in its resolution 1410 (2002), the country's emerging institutions remain fragile and will require international assistance.

48. Steady progress, as reported above, has been made within each of the areas mandated by the Security Council, enabling UNMISET to adhere generally to the timetables (S/2002/432, annex IV). While earlier assumptions about progress towards demarcation have proven optimistic, the commitments made between the Governments of Indonesia and Timor-Leste will, if realized, allow UNMISET to keep to its schedule for reduction and ultimate withdrawal.

49. At the same time, the completion of the Mission's implementation plan and a smooth transition to traditional development assistance will require complementary provision of sufficient bilateral assistance in a number of key areas. As reflected in the present report, these include justice, corrections, police, border control and defence. It also remains essential that sufficient donor support is provided to fill all 228 positions referred to in paragraph 13 above.

50. The progress that has taken place in the country offers great promise. While recognizing the competing claims on the international community's attention and resources, I urge the Security Council and donor community to remain engaged, to build upon its outstanding contributions to date and to bring this promise to its full realization.

51. Finally, I would like to convey my sincere appreciation to the Security Council and other Member States who have demonstrated unwavering support to Timor-Leste. I would also like to pay tribute to the dedicated efforts of my Special Representative and his team and to convey my deep sympathy to the families of those peacekeepers who were affected by the attack in Bali.

Annex

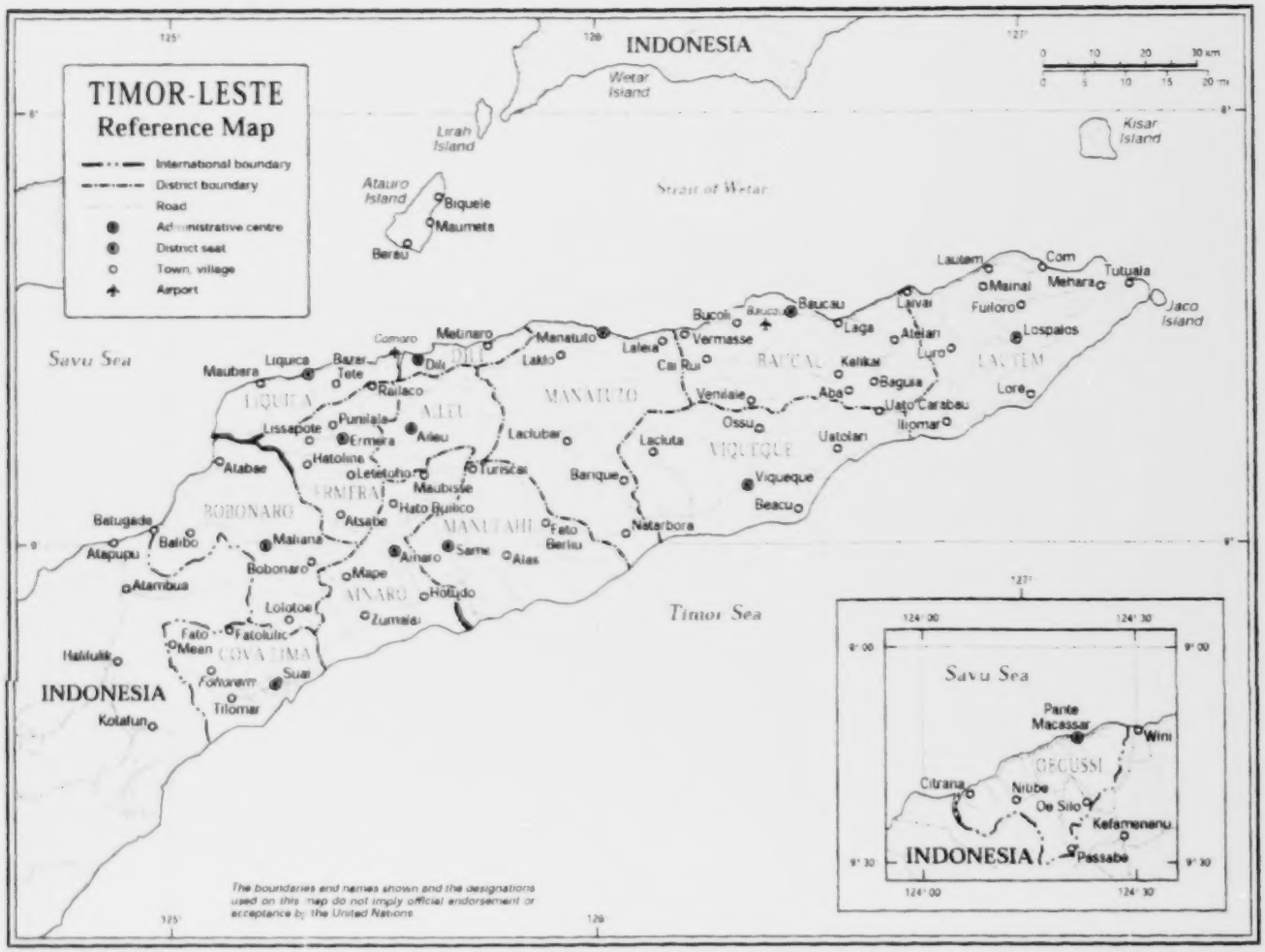
United Nations Mission in East Timor: contributions as at 31 October 2002

Authorized military strength: 5,000 (up to 120 military observers)

	Military observers	*Headquarters staff officers*	*Troops*	*Total*
Australia	15	37	829	881
Bangladesh	7			7
Bolivia	2			2
Brazil	11	4	71	86
Denmark	2	2		4
Egypt	2			2
Fiji		5	183	188
Ireland	2	2		4
Japan		10	640	650
Jordan	4			4
Kenya	2			2
Republic of Korea		9	428	437
Malaysia	16		20	36
Mozambique	2			2
Nepal	3	4	6	13
New Zealand	4	8	602	614
Pakistan	15	4	108	127
Philippines	8	6	50	64
Portugal	1	7	639	647
Russian Federation	2			2
Singapore		11	214	225
Slovakia			36	36
Sweden	2			2
Thailand	6	9	483	498
Turkey	2			2
Uruguay	3			3
Yugoslavia	3			3
Total	**114**	**118**	**4 309**	**4 541**

Force Commander: Singapore; Deputy Force Commander/Chief of Staff: Australia; Chief Military Observer: Portugal.

Civilian police: Argentina: 9; Australia: 58; Bangladesh: 25; Bosnia and Herzegovina: 10; Brazil: 9; Canada: 20; Chile: 6; China: 76; Egypt: 12; Ghana: 69; Jordan: 40; Malaysia: 44; Mozambique: 6; Nepal: 35; Niger: 3; Norway: 4; Pakistan: 9; Philippines: 74; Portugal: 14; Russian Federation: 5; Samoa: 2; Singapore: 25; Slovenia: 2; Spain: 5; Sri Lanka: 38; Sweden: 10; Thailand: 36; Turkey: 11; United Kingdom of Great Britain and Northern Ireland: 12; Ukraine: 7; United States of America: 58; Zambia: 7; total: 741.



Map No. 4189 UNITED NATIONS
November 2002

Department of Public Information
Cartographic Section

S/2002/1223

United Nations A/57/592–S/2002/1224

General Assembly
Security Council

Distr.: General
7 November 2002

Original: English

General Assembly
Fifty-seventh session
Agenda items 36 and 160

Security Council
Fifty-seventh year

The situation in the Middle East

Measures to eliminate international terrorism

Letter dated 5 November 2002 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General

I am writing to draw your attention to the latest incident of Palestinian terrorism directed against the citizens of Israel.

At approximately 6 p.m. (local time) yesterday evening, a Palestinian suicide bomber approached a crowded shopping centre in the Israeli city of Kfar Sava. An alert security guard spotted the terrorist and moved to intercept him, at which time the terrorist detonated a large quantity of explosives packed with metal objects in order to maximize the pain and suffering of the victims. The blast killed the security guard along with one other Israeli, a 15-year-old boy. Nearly 70 others were wounded in the bombing, including a number of children. The terrorist was identified as a resident of the Balata refugee camp. The terrorist organization Islamic Jihad, based in Syria, claimed responsibility for the attack.

Israel holds the Palestinian Authority fully responsible for yesterday's attack, and for all terrorist attacks emanating from Palestinian territory. The Palestinian leadership has manifestly failed to live up to its obligations to end suicide bombings, which are crimes against humanity, along with all other acts of terrorism, as required under signed commitments reached with Israel and the resolutions of the Security Council, in particular resolution 1373 (2001). Nor has the Palestinian Authority taken any steps to implement resolution 1435 (2002), which demands an end to all acts of violence, terrorism and incitement, and calls for those responsible for terrorist acts to be brought to justice. Nor has the Palestinian leadership taken any steps to cease its financial, logistical and moral support for acts of terrorism and the direct involvement of those under the authority of Chairman Arafat in their perpetration.

Israel further holds the Government of Syria responsible for yesterday's bombing in the light of its ongoing support for terrorist organizations, including providing them with safe harbour, as well as financial, logistical and political support, in defiance of Security Council resolutions, including resolution 1373

02-67895 (E) 071102

(2001). Based in the Syrian capital of Damascus, Islamic Jihad is an organization committed to the destruction of the State of Israel, that has claimed responsibility for scores of terrorist attack against Israelis, including suicide bombings, and that receives logistical support and assistance from the Syrian Government. Rather than condemning suicide bombings, these crimes are praised by the Syrian regime, and their perpetrators celebrated and glorified.

In the absence of any Palestinian action that might prevent acts of terrorism, Israel is compelled to take measures to protect its citizens from the unrelenting threat of Palestinian terrorism. It is vitally important that both the terrorists, as well as their supporters, be held fully accountable for these grave crimes.

Israel calls on the international community to condemn in the strongest terms suicide bombings and other criminal acts of terrorism, as well as the ongoing support and involvement of the current Palestinian leadership in such acts. Only an end to the heinous campaign of Palestinian terrorism, with its terrible cost in Israeli and Palestinian lives, can restore hope of achieving a lasting settlement between Israelis and Palestinians.

I submit this letter in follow-up to numerous letters detailing the campaign of Palestinian terrorism that began in September 2000.

I should be grateful if you would arrange to have the text of this letter circulated as an official document of the fifty-seventh session of the General Assembly, under agenda items 160 and 36, and of the Security Council.

(*Signed*) Yehuda **Lancry**
Permanent Representative

United Nations S/2002/1225

Security Council

Distr.: General
8 November 2002

Original: English

Letter dated 7 November 2002 from the Secretary-General addressed to the President of the Security Council

Pursuant to Security Council resolution 1244 (1999), I have the honour to convey the report on the international security presence in Kosovo covering the period from 1 to 30 September 2002 (see annex).

I should be grateful if you would bring it to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

02-68447 (E) 111102

Annex

Monthly report to the United Nations on the operations of the Kosovo Force

1. Over the reporting period (1-30 September 2002) there were almost 32,400 troops of the Kosovo Force (KFOR) in theatre.

2. The overall situation in Kosovo during the month of September remained generally stable.

Security

3. During the period under review there were no direct attacks on KFOR personnel. Isolated, non-related, inter-ethnic incidents of violence were reported. On 10 September, an explosion occurred in a Kosovo Albanian house in Donja Godance (10 km south-west of Lipljan). On the same day, a hand grenade exploded in a house in Gnjilane, injuring a Roma woman. On 11 September, a hand grenade exploded in a Kosovo Serb yard in Kololec (5 km east of Kamenica), following which Kosovo Serbs blocked the road and allegedly beat some Kosovo Albanians. On 15 September, a hand grenade exploded in a Kosovo Albanian shop in Glogovac, and on 16 September a grenade was thrown against a Kosovo Protection Corps (KPC) building in Mitrovica South.

4. Demonstrations to protest against attempts to arrest Milan Ivanovic (a member of the Kosovo Assembly and leader of the Serb National Council for Northern Kosovo)[a] were held, but did not give rise to any violence. The frequency of these demonstrations diminished by the end of the month.

5. The situation in Mitrovica remained relatively calm, although there were some incidents reported. For example, on 1 September an explosion occurred in Mitrovica North close to a Kosovo Serb house, and on 9 September a hand grenade exploded in front of a Kosovo Albanian house. No one was injured and no arrests were made.

6. KFOR continued to carry out Kosovo-wide search operations in its campaign against weapons smuggling and any activity of ethnic Albanian armed groups. Weapons and ammunition were seized on a daily basis. Items confiscated during the month included 149 assorted weapons, 7,478 grenades and mines, and 9,882 rounds of ammunition.

Border/boundary security

7. The number of illegal border crossing incidents increased slightly in September, with 24 reported incidents. Most of these occurred on the border with Albania and most of those arrested were ethnic Albanians.

[a] Milan Ivanovic eventually gave himself up on 9 October at gate 1 of Multinational Brigade (North). He was subsequently taken by UNMIK police to the Mitrovica North court house where he was charged by an international judge with leading a violent demonstration and related offences. After pleading not guilty to the charges, he was released on bail of €10,000.

Cooperation and compliance by the parties

8. Security forces of the Federal Republic of Yugoslavia remain in compliance with the terms and conditions of the Military Technical Agreement.

9. The strength of the Kosovo Protection Corps is currently 3,101 active members. The priority of the KFOR Commander remains the strict control and supervision of KPC and, to that end, he has introduced more liaison officers at the Regional Task Group and detachment levels.

10. With regard to non-compliance, 12 cases were reported during the period under review, and 35 cases remained open at the end of September.

11. Four meetings of the KPC Infrastructure Working Group were held during the month of September to discuss a revised policy paper on KPC infrastructure, and draft plans for the rationalization of KPC sites. Although general agreement was reached on the policy paper, there was no consensus on the draft plans for KPC sites.

12. As previously reported, following the agreement between the Special Representative of the Secretary-General, Michael Steiner, and Nebojsa Covic on the integration of Kosovo Serbs into the Kosovo Police Service (KPS), Kosovo Serb KPS trainees undertook patrols for the first time in Mitrovica North from 24 to 27 September. Plans are in place for the cadets to conduct three more one-week periods of duty in Mitrovica.

Cooperation with international organizations

13. On 6 and 7 September, KFOR supported UNMIK during a search operation to identify illegally owned, high-value vehicles stolen in Western Europe.

14. On 27 September, KFOR conducted a joint exercise with UNMIK police and KPC to improve coordination of agencies that might be involved in responding to civil emergencies. KFOR reported that the aims and objectives of the exercise had been met.

Outlook

15. The security situation in Kosovo is expected to remain stable. The risk of tension arising following the municipal elections to be held in October is estimated to be low.

United Nations S/2002/1226

Security Council

Distr.: General
8 November 2002

Original: English

Letter dated 7 November 2002 from the Secretary-General addressed to the President of the Security Council

I have the honour to convey the communication dated 5 November 2002 which I received from the Secretary-General of the North Atlantic Treaty Organization (see annex).

I should be grateful if you would bring it to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

02-68453 (E) 111102

Annex

Letter dated 5 November 2002 from the Secretary-General of the North Atlantic Treaty Organization to the Secretary-General

In accordance with Security Council resolution 1088 (1996), I attach the September monthly report on SFOR operations (see enclosure). I would appreciate your making this report available to the Security Council.

(*Signed*) George **Robertson**

Enclosure

Monthly report to the United Nations on the operations of the Stabilization Force

1. Over the reporting period (1-30 September 2002) there were almost 14,900 troops deployed in Bosnia and Herzegovina and Croatia, with contributions from the NATO allies and from 15 non-NATO countries.

2. During the period under review, the situation in Bosnia and Herzegovina remained stable, although there is general concern about increased ethnic tension in Sanski Most (west of Banja Luka) because of the growing number of Bosnian Serbs returning there, and in particular owing to the recent dedication by Bosnian Serbs of a controversial war memorial in the town, which is now inhabited for the most part by Bosniacs.

Security

3. The Stabilization Force (SFOR) continues to contribute towards the maintenance of a safe and secure environment in Bosnia and Herzegovina; monitor compliance by the Entity Armed Forces; conduct inspections and consolidation of weapons storage sites; provide support to the international organizations working in theatre, and to the Federation authorities in collecting weapons and ammunition in the framework of Operation Harvest; and monitor possible terrorist-related threats throughout the country.

4. On 6 September, SFOR terminated its operation to ensure a safe environment for the resettlement of Bosniac refugees and displaced persons in the Gacko area which began in December 2000. SFOR will nevertheless continue to have mobile patrols monitor the area.

5. On 5 and 6 September, SFOR conducted a border control operation from the air and on the ground along the borders with the Federal Republic of Yugoslavia and Croatia, and is now analysing the information which resulted from the monitoring of over 3,350 vehicles.

6. On 9 September, there were celebrations throughout the Republika Srpska following the victory of the Yugoslav basketball team at the world championships, which resulted in crowds expressing anti-Muslim sentiments, and brandishing weapons and firing shots in the air close to SFOR troops.

7. On 18 September, an explosion damaged the mosque in Kljuc (near Gacko) which had been reopened recently.

8. On 24 September, the Chief of the Sarajevo Public Security Centre was shot and killed by unknown assailants in front of his house in Sokolac in the Republika Srpska. An investigation is being carried out by local police.

9. On 30 September, with the handover of the last border crossing point in Bosansko Grahovo, the Bosnian State Border Service took control of the entire border from the Entity authorities.

10. SFOR continued Operation Harvest during September. In the period from 1 January to 30 September 2002, the total number of weapons and ammunition collected amounted to: 7,364 small arms (rifles, pistols and revolvers); 1,843,189 rounds of ammunition less than 20 mm; 18,862 rounds of ammunition between 20 mm and 76 mm; 2,394 rounds of ammunition more than 76 mm; 32,208 hand grenades; 3,614 mines; 7,938 kilograms of explosives; and 42,785 other items (mortars, mortar rounds, rifle grenades, and handmade ordnance).

11. On 5 September, SFOR met the secretariat of the Standing Committee on Military Matters to discuss the status of the document authorizing cross Inter-Entity Boundary Line flights for medical evacuation and search and rescue aircraft. The Committee approved the concept and forwarded the document to the Tri-Presidency for review and approval.

12. From 10 to 13 September, SFOR conducted a training exercise with the Federation Air Force Search and Rescue unit at Raijlovac to familiarize the crews with NATO procedures.

13. On 11 September, SFOR detained a Bosniac man because of his association with a known terrorist now in captivity. On the same day, another man surrendered to SFOR. Both men were subsequently released after questioning.

Cooperation and compliance by the parties

14. The Entity Armed Forces carried out regular training activities during the reporting period which were in compliance with the military provisions of the Dayton Peace Agreement.

15. During the period under review, SFOR monitored a total of 224 training and movement activities: 64 VRS (Army of Republika Srpska); and 160 AFBiH (Army of the Federation of Bosnia and Herzegovina).

16. A total of 515 mine-clearing activities were monitored over this period: 237 VRS; and 278 AFBiH.

17. SFOR also carried out 71 inspections and verifications of weapons storage sites: 39 VRS; and 32 AFBiH.

Cooperation with international organizations

18. Within capabilities and in accordance with its mandate, SFOR continues to provide assistance to the international organizations in theatre, including the United Nations Mission in Bosnia and Herzegovina, the International Police Task Force (IPTF), the Office of the High Representative, the International Tribunal for the Former Yugoslavia, the Organization for Security and Cooperation in Europe and the Office of the United Nations High Commissioner for Refugees.

19. On 27 September, SFOR supported local police during the opening ceremony of a mosque in Zepa, and on 28 September SFOR provided security to the White Mosque dedication ceremony in Srebrenica. No incidents were reported during the ceremonies, which were attended by several hundreds of people.

20. During the reporting period, SFOR continued to assist the Office of the High Representative and IPTF by providing daily patrols in the Dobrinja area. On 20 September, in response to a prepared operation, SFOR collected 268 weapons and

over 11,000 rounds of ammunition which were voluntarily handed over by the local population in Dobrinja.

Outlook

21. The security situation is expected to remain stable.

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Security Council

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Letter dated 7 November 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I refer to my letters dated 24 May and 31 July 2002 (S/2002/600 and Add.1) transmitting a report from Antigua and Barbuda submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001).

The Counter-Terrorism Committee has considered the report carefully with the assistance of its experts and has written to the Permanent Representative of Antigua and Barbuda to the United Nations to set out its preliminary comments. Antigua and Barbuda has been requested to provide a response in the form of a supplementary report by 23 January 2003.

I should be grateful if you could arrange for the present letter to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

02-68743 (E) 121102

United Nations S/2002/1228

Security Council

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11 November 2002

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Letter dated 7 November 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I refer to my letters dated 27 June and 24 September 2002 (S/2002/708 and Add.1) transmitting a report from Ghana submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001).

The Counter-Terrorism Committee has considered the report carefully with the assistance of its experts and has written to the Permanent Representative of Ghana to the United Nations to set out its preliminary comments. Ghana has been requested to provide a response in the form of a supplementary report by 23 January 2003.

I should be grateful if you could arrange for the present letter to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

02-68749 (E) 121102

United Nations S/2002/1229

Security Council

Distr.: General
11 November 2002

Original: English

Letter dated 7 November 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I refer to my letter of 29 July 2002 (S/2002/856) transmitting a report from Kenya submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001).

The Counter-Terrorism Committee has considered the report carefully with the assistance of its experts and has written to the Permanent Representative of Kenya to the United Nations to set out its preliminary comments. Kenya has been requested to provide a response in the form of a supplementary report by 23 January 2003.

I should be grateful if you could arrange for the present letter to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

02-68755 (E) 121102

United Nations S/2002/1230

Security Council

Distr.: General
11 November 2002

Original: English

Letter dated 7 November 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I refer to my letter of 20 June 2002 (S/2002/694) transmitting a report from Kiribati submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001).

The Counter-Terrorism Committee has considered the report carefully with the assistance of its experts and has written to the Permanent Secretary for Foreign Affairs of Kiribati to set out its preliminary comments. Kiribati has been requested to provide a response in the form of a supplementary report by 23 January 2003.

I should be grateful if you could arrange for the present letter to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

02-68773 (E) 121102

United Nations S/2002/1231

Security Council

Distr.: General
18 November 2002

Original: English

Letter dated 13 November 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I refer to my letter of 29 August 2002 (S/2002/971) transmitting a report from Mauritania submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001).

The Counter-Terrorism Committee has considered the report carefully with the assistance of its experts and has written to the Permanent Representative of Mauritania to the United Nations to set out its preliminary comments. Mauritania has been requested to provide a response in the form of a supplementary report by 23 January 2003.

I should be grateful if you could arrange for the present letter to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

02-70963 (E) 261102

United Nations S/2002/1232

Security Council

Distr.: General
11 November 2002

Original: English

Letter dated 7 November 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I refer to my letter of 29 July 2002 (S/2002/855) transmitting a report from the Comoros submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001).

The Counter-Terrorism Committee has considered the report carefully with the assistance of its experts and has written to the Permanent Representative of the Comoros to the United Nations to set out its preliminary comments. The Comoros has been requested to provide a response in the form of a supplementary report by 23 January 2003.

I should be grateful if you could arrange for the present letter to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

02-68779 (E) 121102

United Nations S/2002/1233

Security Council

Distr.: General
11 November 2002

Original: English

Letter dated 7 November 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I refer to my letter of 16 July 2002 (S/2002/765) transmitting a report from the United Republic of Tanzania submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001).

The Counter-Terrorism Committee has considered the report carefully with the assistance of its experts and has written to the Permanent Representative of the United Republic of Tanzania to the United Nations to set out its preliminary comments. The United Republic of Tanzania has been requested to provide a response in the form of a supplementary report by 23 January 2003.

I should be grateful if you could arrange for the present letter to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

02-68796 (E) 121102

United Nations S/2002/1234

Security Council

Distr.: General
8 November 2002

Original: English

Letter dated 7 November 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 22 July 2002 (S/2002/822).

The Counter-Terrorism Committee has received the attached supplementary report from Ethiopia submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

02-69069 (E) 221102

BEST COPY AVAILABLE

Annex

Letter dated 31 October 2002 from the Permanent Representative of Ethiopia to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

Further to our previous submission dated 30 January 2002 (S/2002/137, annex) and your Committee's subsequent request for additional information and clarification, I am pleased to attach herewith a supplementary report of the Federal Democratic Republic of Ethiopia, pursuant to paragraph 6 of Security Council resolution 1373 (2001) (see enclosure).

I would be grateful were you to have the present letter and its enclosure circulated as a document of the Security Council.

(*Signed*) Abdulmejid **Hussein**
Ambassador
Permanent Representative

Enclosure

Supplementary report of the Federal Democratic Republic of Ethiopia pursuant to paragraph 6 of Security Council resolution 1373 (2001)

Introduction

On 10 June 2002 the Counter Terrorism committee requested for elaboration and additional information based on the report of the Government of Ethiopia submitted pursuant to paragraph 6 of Security Council Resolution 1373/2001.

Accordingly the replies to the questions of the committee are provided as follows:

Sub-paragraph 1(a)

- *Please provide an outline of the relevant provisions of the legal memorandum referred to in the report that facilitate the prevention and suppression of the financing of terrorism. Does this memorandum have the force of Law?*

The Ministry of Justice of the Government of the Federal Democratic Republic of Ethiopia (F.D.R.E) prepared a legal memorandum on the enforcement of the relevant UN instruments related to terrorism in the national Legal system. The memorandum was prepared in accordance with **the** power of the Ministry as chief advisor to the Federal Government **on** matters of the law as entrusted to it in article 23 of Proclamation No. 4/95. The memorandum guides the executive on matters of the law related to fighting of terrorism.

A substantial part of the memorandum is included in the report of the F.D.R.E on the implementation of the UN-Security Council Resolution No. 1373/2001. **The memorandum** includes:

a. The Legal force of the UNSCR 1373/2001 and its legal consequence,
b. The contribution of the Resolution (1373/2001) to the efforts of the Government of F.D.R.E to prevent and combat terrorism,
c. The competence of the national laws to implement the Resolution (1373/2001);
    I. Competence of the national laws to implement the international conventions related to terrorism not ratified by Ethiopia,
    II. The competence of the national laws to implement the other parts of the Resolution,
    III. Matters arising from the resolutions and the conventions;
        a) Issues of Jurisdiction
        b) Issues of Extradition of Criminals
        c) Issues of Mutual Legal Assistance

- *Please explain whether the legal memorandum or any other legal provisions would enable Ethiopia to fulfill the requirement of the UN Convention for the Suppression of Financing Terrorism which is in the process of being ratified by Ethiopia. If not what additional measures will be taken and within what timeframe?*

The legal memorandum prepared by the Ministry of Justice to facilitate the enforcement of the relevant UN Conventions relating to terrorism and the additional explanatory memorandum in response to the questions of **the** Counter Terrorism Committee of the Security Council indicate that the national laws of F.D.R.E needs to be further strengthened to fulfill the requirement of the UN Convention for the Suppression of Financing Terrorism. The following provision, **which proposes** a new article to the Penal Code, is approved by the Council of Ministers of the F.D.R.E and is submitted to the House of People's Representative for promulgation.

"Article 252. Terrorist Act

1. Whosoever commits a terrorist act which may endanger the life, physical integrity or freedom of, or causes serious injury or death to, any person, any number or group of persons, or causes or may cause damage to public or private property, natural resources, environment or cultural heritage and is calculated or intended to:
   (a) Intimidate, put in fear, force, coerce or seduce any government, body, institution, the general public or any segment thereof, to do or abstain from doing any act, or to adopt or abandon a particular standpoint, or to act according to certain principles; or
   (b) Disrupt any public service, the delivery of any essential service to the public or to create a public emergency; or
   (c) Create general **insurrection** in a state;
   is punishable with rigorous imprisonment from ten to twenty five years; or in grave cases, with rigorous imprisonment for live or death.

2. Any ***promotion, sponsoring, contribution to***, command, aid incitement, encouragement, attempt, threat, conspiracy, organizing, or procurement of any person, with intent to commit any of the acts referred to in Sub-article (1) of this Article shall be punished in accordance with Sub-Article (1) hereof (*emphasis added).*"

- *Could Ethiopia please explain the mechanism of co-ordination between the federal agencies and those of the units of the federation on the one hand, and amongst the agencies of the units, on the other hand in implementing all laws for combating terrorism?*

The Federal and Regional State law enforcement agencies work together in the fight against terrorism through several communication channels and occasionally the respective officials and experts exchange experience. The Federal Police Commission regularly gives technical assistance to Regional States Police commissions and trains their experts to support their crime investigation and prosecution capacity. Moreover, the Federal Police Commission and the Regional States Police commissions exchange information on national and international crimes.

Sub-Paragraph (1) (d)

Please outline Articles 32 and 36 of the Penal Code that deal with the criminalization of the provisions or collection of funds for carrying out terrorist acts.

Article 32 and 36 of the Penal Code deal with the capacity of offenders as principal, co-offender and accomplice with respect to any criminal act including the carrying out of terrorist acts. Solicitation of funds for the commission of criminal acts including terrorist acts will be treated as intentionally associating oneself with the principal offence in accordance with article 32 and 36 of the Penal Code.

"Article 32 Principal Act: Offender and Co-offender

1) A person shall be regarded as having committed an offence and punished as such if:
   (a) he actually committees the offence directly or indirectly, for example by means of animal or natural forces; or
   (b) he without performing the criminal act itself fully associates himself with the commission of the offense and the intended result; or
2) .....
3) Where several co-offenders are involved they shall be liable to the same punishment as provided by law."

"Article 36: Accomplice

1) An accomplice is a person who knowingly assists a principal offender either before or during the carrying out of the criminal design whether by information, advice, supply of means or material aid or assistance of any kind whatsoever in the commission of an offence.
2) An accomplice in an international offence shall be always be liable to punishment."

- *Do these provisions include the criminalization of the provisions and collection of funds for terrorist acts committed outside Ethiopia?*

Article 32 and 36 of the Penal Code apply to all criminal acts specified in the penal code or any other domestic legislation which criminalize certain acts, to the violations of international law, offences considered by national law as international crime and to violations of treaties ratified by Ethiopia.

The most appropriate legal provision in this respect is Article 17 of the Code which reads as follows:

"Article 17: Offences Committed in a foreign country, against International Law and Universal Order

1) Any person who has committed in foreign country:
   (a) an offence against international law or an international offence specified in Ethiopian legislation, or an international treaty or a Convention to which Ethiopia has adhered: or
   (b) an offence against public health or morals specified in Article 510, 567, 605, 606, 609 or 610 of this code.

   Shall be liable to trial in Ethiopia in accordance with the provisions of this code and subject to the general conditions mentioned hereinafter /(Article. 19 and 20(2)/ unless he has been prosecuted in the foreign country."

Any person who assists the commission of this crime by any means will equally be liable in accordance with Articles 32 and 36 of the Penal Code.

- *Please outline the provisions to be included in Ethiopian Penal Code to criminalize the Commission of a "Terrorist Act"*

See the reply to the second question under sub-paragraph 1(a) which gives the full text of the draft new Article 252(1) and (2) of the Penal Code.

Sub-paragraph 1(c)

- *Please indicate whether funds and financial assets held in Ethiopia financial institutions by persons and entities resident or non-resident can be frozen if they are suspected of being used for terrorism either inside or outside Ethiopia.*
- *Are there legal measures available to freeze other economic resources as required by this sub-paragraph?*

Funds suspected of being used for terrorism can be subject to criminal investigation. Except in cases where such funds are the proceeds of crime, or such funds were transferred illegally, the Penal Code do not provide for the freezing of funds suspected of being used for terrorism or any other crime. As noted in the report of the Government of F.D.R.E on the implementation of the UN Resolution (1373/2001), the National Bank of Ethiopia, however, continued to block accounts linked to the financing of terrorist activities.

Sub-paragraph 1(d)

- *Is there any law that prohibits individuals or entities from making available funds, etc. in support of terrorist acts?*

There are no specific laws that prohibit individuals or entities from making available funds, etc, in support of terrorist acts. Article 32 and 36 of the Penal code, however, criminalizes any act of assisting, e.g. by making funds available, by giving advice etc, the commission of any offence by assimilating such individuals with the principal offender as co-offender or accomplice.

- *Are financial institutions, other financial intermediaries (e.g. Lawyers) and other natural or legal persons required by law to report suspicious transactions to the relevant authorities? What are the penalties for non-compliance?*

There are no specific provisions requiring the reporting of suspicious transaction under Proclamation No. 83/94. Instead Articles 438, 439 and 267 of the Penal Code impose on individuals and entities an obligation to inform the concerned authority about the commission or the preparation to commit serious crimes. Currently, the National Bank of Ethiopia has devolved the communication channel with the financial institutions to communicate suspicious bank accounts and transactions, and to request their follow up. The texts of the relevant provisions of the Penal Code are provided as follows.

"Article 438: Failure to Inform the Law

(1) Whosoever, without good cause:
  (a) knowing the identity of the perpetrator of, or of the commission of, an offence punishable with death or rigorous imprisonment for life, or
  (b) is by law or by the rules of his profession, obliged to notify the competent authorities in the interests of public security or public order, of certain offences or certain grave facts, and does not do so, is punishable with fine not exceeding five hundred dollars, or with simple imprisonment not exceeding three months."

"Article 439: Harboring and Aid

Whosoever knowingly saves from prosecution a person who has fallen under a provision of criminal law, whether by warning him or hiding him, by concealing or destroying the traces or instruments of his crime, by misleading the investigation, or in any other way is punishable with simple imprisonment or fine."

"Article 267: Indirect Aid and Encouragement

(1) Whosoever, being aware that an offence is being prepared or has been committed against the Emperor, the empress or the Crown Prince, against constitutional order or national defense, or against the internal or external security of the State, fails to inform the authorities thereof, or does not to the best of his ability try to prevent the offence from being carried out and to bring the offender to justice, save in case of *force majeure* or manifest impossibility is punishable with rigorous imprisonment not exceeding five years.

(2) Official or professional secrecy cannot be invoked to evade the obligation to inform the authorities.

(3) When the offence is committed in time of internal or external emergency, the punishment shall be rigorous imprisonment not exceeding ten years.

(4) Kinship or close ties of affection with the perpetrator or perpetrators of the offence, whether projected or carried out, cannot be invoked as an excuse in the above-mentioned cases. (Art. 80)

- *Does Ethiopia have any Law governing alternative money transfer agencies, including system of, or similar to the kind known as Hawalls?*

Article 12 of the Monetary and Banking Proclamation No. 84 of 1994 also incorporated binding terms and conditions in all kinds of banking operations including money transfer activities. But detailed directives are yet to be issued for this particular transaction. Besides, this legal instrument gives power to Ethiopian National Bank to monitor every activity that is made in foreign exchange. Hence, the bank has the mandate to control the transfer of money.

- *What laws, practical controls and surveillance measures exist to ensure that funds and other economic resources collected for religious, charitable or cultural purposes are not diverted for other purpose, particularly for financing terrorism?*

Regulation No. 321 of 1966 issued for registrations and supervision of associations has established a government organ, which is entrusted **with** monitoring any association established or works under Ethiopian Law. This organ operates under supervision of Ministry of Justice. The main functions of this organ **are laid** down in the following provisions of the regulation.

"Article 12:

(1) Every association shall keep adequate accounts and records of income and expenditure and shall make the same available to inspection from time to time or at any time upon request by a dully-authorized official of the office."

"Article 13: Reporting

Every association shall annually, not later than one hundred and twenty (120) days after the end of the preceding financial year thereof, submit to the Office a report which shall include the following particular:

1) a balance sheet for the association showing the assets and liabilities thereof as of the last day of said preceding financial years;
2) the auditors report in respect of said preceding financial year: and
3) a description of the major activities of the association during said preceding financial year."

Sub-paragraph 2(a)

- *Is there any law in Ethiopia apart from the relevant provisions of its Penal Code, to regulate domestic and international trade in weapons and explosives?*

There are other laws, which are issued to regulate trade (including import and export) in weapons and explosives such as Legal Notice No. 229/1960 (as amended) Special Penal Code Proclamation No. 8/1974, Commercial Registration and Business Licensing Proclamation No. 67/1989 and the Re-establishment and Modernization of Customs Authority Proclamation No. 60/1997. According to the aforementioned laws, the Ethiopian Customs Authority, which is accountable to the Ministry of Revenue of F.D.R.E, have power and duty to detain, prohibit, restrict goods and take the necessary measures. Hence, it acts as a guard of the get way of Ethiopia for imports and exports including firearms and explosives.

The following is the outline of the provisions of Regulation No. 229/1960.

"Article 6:

(a) Any person, which shall include any company, organization or other entity desiring to engage in the business of the import or export of firearms or to deal or trade in arms or to repair arms shall first obtain in license therefore from the Ministry of Interior provided however that any person in possession on the date upon which these Regulation come into force of a license earlier issued by a competent authority shall have a period of 120 days within which to obtain the license specified in this Article 6."

"Article 9:

Any person in possession, on the date upon which these regulations come into force, of a license to engage in the business of the import or export of firearms or to deal or trade in arms shall, within sixty (60) days following said date file a report with the licensing authority specified in Article 6 hereof showing the stock of arms then on hand and the type and caliber of the same."

"Article 10:

Any person to whom a license to engage in the business of the import or export of firearms or to deal or trade in arms is issued here under shall:

a) each year during the month of September, file a report with the licensing Authority specified in Article 6 hereof showing, with respect to the preceding twelve month period, the stock of arms on hand and the type and caliber of the same at the beginning and end of said twelve (12) month period; and
b) maintain a current registers in which he shall enter each day all particulars concerning each arms transaction, the name and address of each buyer or seller, and a description of the article purchased or sold with its serial number."

- *Please explain how Ethiopia oversees the domestic manufacture, sale, possession and disposition of weapons inside Ethiopia?*

According to the aforementioned regulation of 1960, the concerned authority supervises the manufacturing, selling, possessing and disposition of weapons inside Ethiopia. Any person who wants to own any kind of weapons should have a license issued by the Ministry of Interior. However, a person who is found selling weapons is subject to rigorous imprisonment according to Article 14 of the Revised Special Penal Code Proclamation No. 214/74. The full text of this Proclamation in respect of the issues discussed above presented as follow.

"Article 41: Prohibited Traffic in Arms

Whosoever:

1) apart from offences against the security of the state (Article 4) makes, imports, exports or transports, acquires, receives, stores or hides, offers for sale, puts into circulation or distributes, without special authorizations contrary to law, weapons or munitions of any kind; or
2) without indulging in trafficking knowingly sells, delivers, or hands over arms to suspected or dangerous persons; is punishable, without prejudice to the confiscation of the material seized, with rigorous imprisonment from five to twenty five years. When he has acted for gain or has made a profession on such activities, a fine up to fifteen thousand *birr* maybe imposed in addition to the penalty prescribed herein.

3) where the commission of the offence is exceptionally grave, the punishment shall be rigorous imprisonment for life or death."

- *Please provide outline of Article 37 of the Penal Code.*

"Article 37: Criminal Conspiracy

1) Where two or more persons enter into an agreement to achieve an unlawful design or to commit an offense the provisions regarding participation and aggravation of punishment due to the above-mentioned circumstances are applicable. (Article 81(d))
2) The foregoing provision shall, however, not affect the provisions contained in the Special Part of this Code relating to conspiracies against the essential interests of the State and its defense, the forming of unlawful association and the participation therein, as well as to the organization of gangs or associations of wrongdoers. (Article 269, 286, 313 and 472)"

Sub-Paragraph 2(b)

- *Please provide a list of the countries with which Ethiopia has arrangement for the exchange of information on terrorism related matters as refereed to in the reply to this paragraph.*

The East Africa Police Chiefs Committee includes all of the East African countries. The Government of F.D.R.E has signed agreement on cooperation in the prevention of transnational organized crimes, drug trafficking and terrorism with Turkey.

Sub Paragraph 2(c)

- *Please outline the provisions of Articles 11, 13, 18,19 and 21 of the Penal Code that deal with aliens.*

"Article 11: Offences Committed on Ethiopian Territory

1) This Code shall apply to any person whether a national or a foreigner who has committed one of the offences specified in his Code on the territory of Ethiopia. The national territory comprises the land, sea and air. The extent of this realm is determined by law.
2) Nothing in this Code shall affect immunities of foreign persons enjoying an official status as sanctioned by public international law.
3) If the offender has taken refuge in a foreign country his extradition shall be requested so that he may be tried under Ethiopian Law."

"Article 13: Offences Committed in a Foreign Country against Ethiopia

This Code shall apply to any person who in a foreign country has committed one of the offences against the Emperor and the Empire, their safety or integrity, its institutions or essential interests as defined in Book III, Title I Chapter I, and under Title V of the Special Part of this Code (Article 248-272 and Article 366-382)."

"Article 18: Other Offences Committed in a Foreign Country

1) This Code shall also apply to any person who has committed an offence in a foreign country against an Ethiopian national or to any Ethiopian national who has committed in a foreign country an offence of another kind than those specified in the foregoing Article, if the offender was not tried in the foreign country for the offence, provided that:

a) the act to be tried is prohibited by the law of the State where it was committed and by Ethiopian law; and
b) it is of sufficient gravity under the latter law to justify extradition.

2) In the case of all other offences committed in a foreign country by a foreign national, the offender shall, save as otherwise expressly provided, failing extradition, be prosecuted and tried only if the offence is punishable under Ethiopian law with death or with rigorous imprisonment for not less than ten years."

"Article 19: Conditions for Subsidiary Application

1) In the application of this Code it shall be presumed:

a) that the compliant or denunciation by the victim or his depe~dents was lodged when it is a condition for prosecution and trial under the law of the place of commission of the offence or under Ethiopian law;
b) that the offender is within the territory of the Empire and has not been extradited, or that the extradition was obtained by a reason of the offence committed;
c) that the offence was not legally pardoned in the country of commission and that prosecution is not barred either under the law of the country where the offence was committed or under Ethiopian law.

2) Prosecution shall be instituted by the Attorney General after consultation with the Minister of Justice.
3) The punishment to be imposed under this Code shall not be more severe than the heaviest penalty prescribed by the law of the country of commission where such country is recognized by Ethiopia."

"Article 21: Extradition

1) Any foreigner who commits an ordinary offence outside the territory of Ethiopia and who takes refuge in Ethiopia may be extradited in accordance with the provisions of the law, treaties or international custom; extradition shall be granted on the application made in proper form by the State where the offence was committed for purpose of trial under the territorial law when the offence does not directly and principally concern the Ethiopian State (Art. 13)
2) No Ethiopian national having that status at the time of the commission of the offence may, save as is otherwise expressly provided, be handed over to a foreign country. Failing extradition he shall be tried by Ethiopian courts and under Ethiopian law.
3) In all cases where an offence raises a question of extradition the request shall be dealt with in accordance with the principles of Ethiopian law and provisions of existing treaties."

- *Is there any other law that deals with aliens seeking legal entry into Ethiopia?*

Proclamation No. 271 of 1969 issued to govern the registration of foreigner in the country is also dealt with the entry and leave of foreigner and how to give them travel document and visa.

- *What is the legal basis for extradition in Ethiopia. In particular*
- *Is it governed, in any respect by legislation? If so please outline the legislation.*

The principle of extradition is part of the Penal Code since 1957. The more pertinent provision of this code in this respect is Article 21, which is outlined above in reply to the question under sub-paragraph 2(c).

- *Is it contingent, in any respect, on the existence of bilateral treaties? If so please, provide a list of the countries with which Ethiopia has concluded relevant bilateral treaties.*

As spelled out in Article 21(3) of the Penal Code when the request for extradition is brought to the attention of Ethiopia, it will be dealt in accordance with the principles of Ethiopian law, treaties or international custom. There is no restriction to extradite a person in the absence of bilateral treaties. In the absence of treaty either the national law or international custom can be used to accede the request. Ethiopia has bilateral agreements of extradition with Djibouti and Sudan.

- *How would Ethiopia deal with a request for extradition from a country with which it has no treaty on extradition?*

If there is no treaty with the requesting state to extradite a criminal, Ethiopia will consider the request according to its law and international custom. The criminal will be extradited unless Ethiopia has exclusive jurisdiction or stronger ground to claim jurisdiction than the state-requesting jurisdiction. Principle of reciprocity may also influence the extradition.

Sub-paragraph 2(d)

- *Please provide an outline of Article 273 of the Penal Code.*

"Article 273: Hostile Acts Against a Foreign State

Whosoever, within the territory of the Empire and at the risk of endangering peaceful relations with foreign countries:

a) attempts to disturb by subversive activities, by slander, by malicious propaganda or by violence the internal political order or security of a foreign State; or
b) infringes a governmental decision, duly published in the Negarit Gazeta, taken for the purpose of safeguarding Ethiopia's neutrality during a foreign war; or
c) provokes, undertakes or encourages acts hostile to a foreign belligerent power,

is punishable with simple imprisonment for at least three months, or, in cases of exceptional gravity, with rigorous imprisonment not exceeding ten years."

Sub-paragraph 2(f)

- *Please provide a list of the countries with whom Ethiopia has entered into bilateral agreement for mutual assistance in the manner of criminal investigations and criminal proceedings. How would Ethiopia deal with requests from countries with which it has no bilateral agreement?*

The government of F.D.R.E has mutual legal assistant agreement with Djibouti. Bilateral agreement is not a prerequisite to cooperate in the field of criminal investigation and proceedings. The Federal police usually act through Interpol and upon direct formal request from other states.

Sub-paragraph 2(g)

- *Are there any further measures proposed to prevent the counterfeiting, forgery, or fraudulent use of identity papers or other such documents and in what timeframe?*

The quality of identity papers or such other documents will continuously be upgraded to make them less susceptible to counterfeiting, forgery or fraudulent use.

Sub-paragraph 3(d)

- *The CTC would welcome a report, in relation to the relevant intentional conventions and protocols relating to terrorism, on the progress made by Ethiopia in:*
- *Becoming a party to the instruments to which it is not yet a party; and*
- *Enacting legislation, and making other necessary arrangements;*
- *To implement the instruments to which it has become a party.'*
- *Have the relevant offences set forth in the international conventions and protocols to which Ethiopia is already a party been included as extraditable offences in the bilateral extradition treaties concluded by Ethiopia?*

The Council of Ministers of the F.D.R.E has, on its regular meeting held on October 18, 2002, approved the ratification of the following four conventions and decided there submission to the House of People's Representative:

1. Convention on the Prevention and Punishment of Crimes Against Diplomatic Agents and Other Internationally Protected Persons,
2. International Convention Against the Taking of Hostages,
3. International Convention for the Suppression of Terrorist Bombings,
4. OAU Convention on the Prevention and Combating of Terrorism.

Further Consultation and preparation is being made to ratify the International Convention for the Suppression of the Financing of Terrorism and Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation.

The revision of the Penal Code to include Article 252 on criminalizing Terrorist Acts is expected to be promulgated in the very near future by the House. Further implementation measures will be taken following the ratification of the instruments listed above.

Sub-paragraph 3(g)

- *Please clarify whether claims of political motivation are recognized as grounds for denial of requests for extradition of alleged terrorists.*

Basically extradition can be denied on cases where the F.D.R.E has an exclusive jurisdiction on criminal charges, and/or the F.D.R.E has a stronger ground to claim jurisdiction. Offences committed in a foreign country, against international law and universal order are the subject of bilateral extradition agreements to which F.D.R.E is a party.

Paragraph 4

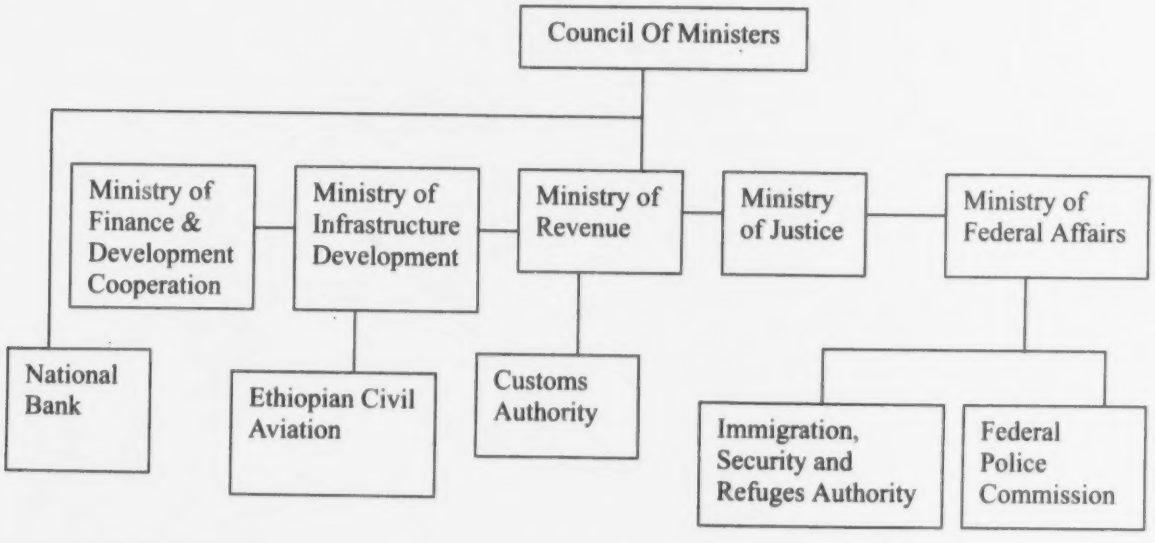
- *Has Ethiopia addressed any of the concerns expressed in paragraph 4 of the Resolution?*

The Government of the F.D.R.E is working together with the international community in preventing and combating transnational organized crimes, illicit drug and arms trafficking. The sub-region in which F.D.R.E is located do not have serious problem of illegal movement of potentially dangerous materials. Further information shall be provided in the next report.

Other Matters

- *Could Ethiopia please provide an organizational chart of its administrative machinery such as police, immigration control, customs taxation and financial supervision.*

Organizational chart of the administrative machinery of the Federal Government that contributes to the implementation of UNSCR 1373(2001) is provided as follows:



Conclusion and Remarks

The government of the Federal Democratic Republic of Ethiopia is committed to take decisive measures against international terrorism step by step. Further report on the implementation of the UNSCR 1373/2001 will be submitted in due course.

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Letter dated 8 November 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit to you herewith a statistical breakdown of Israeli violations of Lebanese sovereignty during the month of October 2002.

The breaches of Lebanon's sovereignty that Israel commits on land, at sea and in the air are in violation of the Blue Line and of the provisions of Security Council resolution 425 (1978), and they pose a threat to stability and promote a climate of tension in the region.

I should be grateful if you would have this letter circulated as a document of the General Assembly, under agenda item 36, and of the Security Council.

(*Signed*) Houssam Asaad **Diab**
Chargé d'affaires a.i.

Annex to the letter dated 8 November 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General

Statistical breakdown of Israeli violations committed during the month of October 2002

In the air				*At sea*	*On the ground*			*Total*	*Remarks*
					Military attacks	*Field violations*	*Infringements*		
Jet fighters	Reconnaissance aircraft	Helicopters	Total	Violations of territorial waters and launching of flares	Air raids and bombardment of military outposts and important centres	Artillery bombardments, shooting, infiltration and placement of installations inside Lebanese territory	Threats and brandishing of weapons, earthmoving and placement of concertina wire inside Lebanese territory		
15	6	-	21	1	-	-	-	22	Total violations in previous month: 18
									Table does not include violations in the occupied Shab'a farmlands and the Kafr Shuba hills area, a zone of military operations

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Letter dated 8 November 2002 from the representatives of China, France and the Russian Federation to the United Nations addressed to the President of the Security Council

Please find herewith a joint statement of the Governments of China, France and the Russian Federation relating to Security Council resolution 1441 (2002) concerning Iraq (see annex).

We should be grateful if you could circulate this joint statement as a document of the Security Council.

(*Signed*) **Zhang** Yishan
Ambassador
Deputy Permanent Representative of China

(*Signed*) Jean-David **Lévitte**
Ambassador
Permanent Representative of France

(*Signed*) Sergey **Lavrov**
Ambassador
Permanent Representative of the Russian Federation

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Annex to the letter dated 8 November 2002 from the representatives of China, France and the Russian Federation to the United Nations addressed to the President of the Security Council

Joint statement by the People's Republic of China, France and the Russian Federation

Resolution 1441 (2002) adopted today by the Security Council excludes any automaticity in the use of force. In this regard, we register with satisfaction the declarations of the representatives of the United States and the United Kingdom confirming this understanding in their explanations of vote, and assuring that the goal of the resolution is the full implementation of the existing Security Council resolutions on disarmament of Iraq's weapons of mass destruction. All Security Council members share this goal.

In case of failure by Iraq to comply with its obligations, the provisions of paragraphs 4, 11 and 12 will apply. Such failure will be reported to the Security Council by the Executive Chairman of UNMOVIC or by the Director General of IAEA. It will be then for the Council to take a position on the basis of that report.

Therefore, the resolution fully respects the competences of the Security Council in the maintenance of international peace and security, in conformity with the Charter of the United Nations.